

Meeting Date: Tuesday 23 April 2013
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

*Council Meetings will be recorded on audio tape for minute-taking purposes
as authorised by the Local Government Act 1993.*

NOTICE OF BUSINESS

Item	Page
MAYORAL MINUTES	
8/13 FRIENDSHIP AGREEMENT - LOCRIDE REGION OF CALABRIA ITALY	i
9/13 METROPOLITAN MAYORS' ASSOCIATION	ii
10/13 RECRUITMENT OF A GENERAL MANAGER.....	iv
11/13 CONFIRMATION OF COUNCIL'S ORGANISATIONAL STRUCTURE.....	v

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 26 March 2013	1
2 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 27 March 2013	43
3 CONFIRMATION OF MINUTES - Council Meeting held on 9 April 2013	59
4 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 6/13 held on 16 April 2013	74
5 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 5/13 held on 16 April 2013	83
6 REVIEW OF TOP RYDER COMMUNITY BUS SERVICE	87
7 ESTABLISHMENT OF A MOBILE PLAYGROUP SERVICE- Follow up Report	108
8 INVESTMENT REPORT - March 2013	138
9 REVIEW OF INVESTMENT PORTFOLIO - CONSOLIDATION OF INVESTMENTS, RATINGS AND RETURNS	159
10 ACTING GENERAL MANAGER'S PRIORITIES	198
11 AMENDMENTS TO THE ENVIRONMENTAL PLANNING AND ASSESSMENT (EP&A) ACT 1979	205
12 ADVISORY COMMITTEE - ACCESS MINUTES OF 6 MARCH MEETING	212
13 ADVISORY COMMITTEE MEETING- STATUS OF WOMEN.....	227
14 REQUEST FOR TENDER - COR-RFT - 20/12 Security Services to the City of Ryde Council Buildings	243
15 REPORTS DUE TO COUNCIL	248

Meeting Date: Tuesday 23 April 2013
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

*Council Meetings will be recorded on audio tape for minute-taking purposes
as authorised by the Local Government Act 1993.*

NOTICE OF BUSINESS (continued)

Item		Page
PRECIS OF CORRESPONDENCE		
1	RESPONSE LETTER FROM STATE MINISTER FOR EDUCATION REGARDING THE USE OF FORMER RYDE HIGH SCHOOL - Smalls Road, Ryde	311
2	RYDE COMMUNITY GARDENS.....	313
3	NATIONAL SKILLS SHORTAGE IN LOCAL GOVERNMENT	315
NOTICES OF MOTION		
1	LEASE OF SMALL ROAD PLAYING FIELDS - Councillor Roy Maggio.....	318
2	CODE OF MEETING PRACTICE - Councillor Roy Maggio	318
CONFIDENTIAL ITEMS		
16	ADVICE ON COURT ACTIONS	320

MM8/13 FRIENDSHIP AGREEMENT - LOCRIDE REGION OF CALABRIA ITALY - The Mayor, Councillor Ivan Petch**File Number: CLR/07/8/9 - BP13/586**

In June of 2002, Ryde City Council entered into a friendship agreement with the 42 municipalities of the Locride region in Calabria.

The friendship agreement signified the appreciation of the citizens of Ryde to the people from the Locride region, for their major contribution to the development of Ryde, especially through the provision of market gardens.

This Council now has the honour of receiving the Mayor of Martone who is also the Chair of the Locride Region of Councils at our Council meeting tonight. To that end we extend him a cordial and warm welcome.

I propose that the City of Ryde express its affirmation of the Friendship Agreement that exists between Ryde and the Locride region and that Council affirm the ongoing relationship.

RECOMMENDATION:

- (a) That Council welcome George Imperatura the Mayor of Martone to its meeting.
- (b) That Council continue its friendly relationship with the Locride region of Calabria as expressed in the current Friendship Agreement.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Councillor Ivan Petch
The Mayor

**MM9/13 METROPOLITAN MAYORS' ASSOCIATION - The Mayor,
Councillor Ivan Petch****File Number: MYR/07/10/7 - BP13/582**

On 10 April 2013 Mayors or delegates from 14 Sydney metropolitan Councils met at a forum hosted by the City of Canterbury to discuss the formation of a new peak body to represent the common interests of councils in the Sydney Metropolitan Area.

The Forum expressed concern with the effectiveness of Local Government Association NSW in its advocacy role and consultation with and on behalf of Sydney Metropolitan councils in a number of important areas, including Planning Reform, the Independent Review of Local Government currently being conducted, the foreshadowed early intervention legislation and the Review of the Local Government Act.

The consensus of the forum was that Sydney Metropolitan Mayors should form an association that would focus on the Sydney metropolitan area and collaborate and consult with the Federal and NSW Governments to represent the common and emerging issues affecting councils in the Sydney metropolitan area on the future of this region.

The new body would be known as the Metropolitan Mayors' Association (MMA).

The Forum agreed:

1. The councils of the Sydney metropolitan area share many common interests, including planning systems and regulations, infrastructure issues, economic development and the regulation of the local government sector.
2. The councils of the Sydney metropolitan area want an efficient, consultative, cost effective and member focused organisation to coordinate action and advocacy on matters of shared interest.

The 14 Councils being broadly representative of NSROC, SHOROC and SSROC at the meeting agreed to submit a Mayoral Minute to their next available Council meeting seeking a resolution for the purpose of forming the MMA.

Canterbury City Council (SSROC) agreed to write to all councils in Metropolitan Sydney encouraging them to consider becoming a member of the Metropolitan Mayors' Association and to coordinate responses. Subject to receipt of responses, an inaugural meeting of the MMA will occur as soon as practicable.

MM9/13 (continued)**RECOMMENDATION:**

1. That Council support the formation and membership of a Sydney Metropolitan Mayors' Association and advise Canterbury City Council of this decision.
2. That all Sydney metropolitan councils be encouraged to support the formation of the MMA.
3. Subject to receipt of responses from metropolitan councils, another meeting of interested Mayors be arranged to progress the proposal.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Councillor Ivan Petch
The Mayor

**MM10/13 RECRUITMENT OF A GENERAL MANAGER - The Mayor,
Councillor Ivan Petch****File Number: GRP/09/3/10 - BP13/583**

Following the resignation of John Neish as General Manager and in accordance with Section 336 of the Local Government 1993 (NSW) on February 11 2013 Council resolved to appoint an acting General Manager. The Local Government Act precludes such a temporary appointment exceeding a twelve month period.

The purpose of this Mayoral Minute is to commence the recruitment process to ensure Council is able to complete the process of appointing a new General Manager within this statutory timeframe.

In keeping with the custom and practice of our Council, I propose that a committee be formed of all Councillors to be responsible for the recruitment process and to determine the preferred candidate.

This Mayoral Minute also recommends that Expressions of Interest/ Quotations be invited from a broad range of recruitment firms to provide professional assistance to the recruitment process. Upon receipt of this information a report would be submitted to the committee to determine which firm should be engaged.

RECOMMENDATION:

- (a) That a committee comprising the whole of Council be formed to manage the recruitment process for the position of General Manager and determine the preferred candidate.
- (b) That the Manager Human Resources be delegated authority to facilitate the invitation of Expressions of Interest/ Quotations from a broad range of recruitment firms to provide professional assistance to the recruitment process.
- (c) That following receipt of the Expressions of Interest/ Quotations the Manager Human Resources provide a summary report and a copy of all submissions to the Committee.
- (d) That Council endorse the Confidential Attachment outlining the draft recruitment timeframe for the process.

ATTACHMENTS

- 1 Draft timetable for recruitment of General Manager - CONFIDENTIAL

Report Prepared By:

**Councillor Ivan Petch
The Mayor**

Council, dated 17 April 2013, submitted on 23 April 2013.

**MM11/13 CONFIRMATION OF COUNCIL'S ORGANISATIONAL
STRUCTURE - The Mayor, Councillor Ivan Petch****File Number: GRP/09/3/10 - BP13/584**

In accordance with clause 333 of the Local Government Act, Council is required to re- determine the organisational structure within twelve months after any ordinary election of the council.

Following a recent workshop with Council on this issue this Mayoral Minute confirms the current organisational structure as appropriate for the organisation, at this time.

Noting the current vacancy in the Executive of the Group Manager Public Works this recommendation also requests the Acting General Manager to commence recruitment for this role, but hold the process at shortlisting to allow the incoming General Manager to determine the appointment for this role.

RECOMMENDATION:

- (a) That Council confirm the current four division organisational structure as appropriate for the organisation, at this time.
- (b) That Council request the Acting General Manager to commence the recruitment process for the Group Manager Public Works, at a time appropriate to align with the timeframe for the General Manager's recruitment.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Councillor Ivan Petch
The Mayor

1 CONFIRMATION OF MINUTES - Council Meeting held on 26 March 2013

Report prepared by: Section Manager - Governance
File No.: CLM/13/1/4/2 - BP13/59

REPORT SUMMARY

In accordance with Council's Code of Meeting Practice, a motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

RECOMMENDATION:

That the Minutes of the Council Meeting 5/13, held on 26 March 2013 be confirmed.

ATTACHMENTS

- 1 Minutes - Ordinary Council Meeting - 26 March 2013

ITEM 1 (continued)

ATTACHMENT 1

**Council Meeting
MINUTES OF MEETING NO. 5/13**

Meeting Date: Tuesday 26 March 2013

Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde

Time: 7.30pm

Councillors Present: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

Note: Councillor Salvestro-Martin left the meeting at 12.21am on Wednesday, 27 March 2013 and was not present for the voting of the Supreme Court Proceedings.

Note: The Mayor, Councillor Petch left the meeting at 12.34am on Wednesday, 27 March 2013 and was not present for the voting of the Supreme Court Proceedings.

Note: Councillor Perram left the meeting at 12.34am on Wednesday, 27 March 2013 and was not present for the voting of the Supreme Court Proceedings.

Note: Councillor Simon left the meeting at 1.00am on Wednesday, 27 March 2013 and was not present for the voting of the Supreme Court Proceedings.

Note: Councillor Laxale left the meeting at 1.03am on Wednesday, 27 March 2013 and was not present for the voting of the Supreme Court Proceedings.

Apologies: Nil.

Leave of Absence: Councillor Li.

Staff Present: Acting General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Acting Group Manager - Public Works, General Counsel, Manager – Communications and Media, Manager – Strategy and Organisation Development, Chief Financial Officer, Manager – Urban Planning, Manager – Risk and Audit, Manager – Ranger & Parking Services, Manager – Infrastructure Integration, Coordinator – Change Management Projects, Team Leader – Business Administration, Section Manager - Governance and Meeting Support Coordinator.

PRAYER

Pastor Robyn Peebles of the Church of the Good Shepherd, West Ryde was present and offered prayer prior to the commencement of the meeting.

ITEM 1 (continued)

ATTACHMENT 1

DISCLOSURES OF INTEREST

Councillor Etmekdjian disclosed a Significant Non-Pecuniary Interest in Item 12 – Support to the Ryde Hunters Hill Symphony Orchestra for the reason that he has a close community relationship with the president and RHHSO.

Councillor Yedelian OAM disclosed a Significant Non-Pecuniary Interest in Item 12 – Support to the Ryde Hunters Hill Symphony Orchestra for the reason that the President of the Board is a neighbour and a relative is on the Board.

Councillor Perram disclosed a Pecuniary Interest in Item 17 – Deferred Report: Policy on the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors for the reason that he is a defendant in incomplete Court proceedings where costs, potentially covered by this policy, have yet to be determined.

Councillor Simon disclosed a Significant Non-Pecuniary Interest in Item 17 – Deferred Report: Policy on the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors for the reason that the policy may have retrospective implications on cost proceedings against people who he considers to be friends or acquaintances.

Councillor Laxale disclosed a Significant Non-Pecuniary Interest in Item 17 – Deferred Report: Policy on the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors for the reason that he has a relationship with former Councillor Butterworth (retrospective cost implication).

Councillor Salvestro-Martin disclosed a Significant Non-Pecuniary Interest in Item 17 – Deferred Report: Policy on the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors for the reason that he is a listed party in legal proceedings.

The Mayor, Councillor Petch disclosed a Pecuniary Interest in Item 17 – Deferred Report: Policy on the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors for the reason that he is a defendant in a court case relating to this resolution.

Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in Item 5 – Cox's Road Master Plan Study - Outcomes of Community Consultation for the reason that he is aware of the landowners – due to charity events where they have been present.

TABLING OF PETITIONS

No Petitions were tabled.

ITEM 1 (continued)

ATTACHMENT 1

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Jennifer Noble	Item 3(2) – Significant Tree Nomination – 135 Marsden Road, West Ryde
----------------	--

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

PRESENTATION OF THE ORIGINAL MUSIC FOR THE SONG “WHERE THE COLOUR’S NEVER FADE”

The Mayor, Councillor Petch presented Council with the original music for the song “Where the Colour’s Never Fade”. This Item was tabled.

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Pickering and Maggio)

That Council now consider the following Item, the time being 7.45pm:

- Item 3(2) from the Report of the Works and Community Committee Meeting 3/13 held on 19 March 2013 - Significant Tree Nomination - 135 Marsden Road, West Ryde.

Record of Voting:

For the Motion: Unanimous

3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 3/13 held on 19 March 2013

2 SIGNIFICANT TREE NOMINATION - 135 MARSDEN ROAD, WEST RYDE

Note: Jennifer Noble addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Pickering and Etmekdjian)

That the *Maclura pomifera* (Osage Orange) located at the road frontage of 135 Marsden Road, West Ryde be added to the Significant Tree Register due to its horticultural / botanical significance.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

MAYORAL MINUTES

1 WELCOME MR JOHN HULL TO HERITAGE ADVISORY COMMITTEE - The Mayor, Councillor Ivan Petch

RESOLUTION: (Moved by the Mayor, Councillor Petch and Councillor Yedelian OAM)

That Council endorse and welcome Mr John Hull to the Ryde Heritage Advisory Committee for its present term.

Record of Voting:

For the Motion: Unanimous

MATTERS OF URGENCY

Councillor Chung requested to raise two Matters of Urgency regarding the Section 96 modifications sought for a development application at 1-9 Monash Road and 407-417 Victoria Road, Gladesville and Traffic Issues related to Eltham Street, Gladesville.

The Mayor, Councillor Petch accepted these as Urgent Items.

RESOLUTION: (Moved by Councillors Chung and The Mayor, Councillor Petch)

That Council consider Matters of Urgency regarding the Section 96 modifications sought for a development application at 1-9 Monash Road and 407-417 Victoria Road, Gladesville and Traffic Issues related to Eltham Street, Gladesville, the time being 7.50pm.

Record of Voting:

For the Motion: Unanimous

OBJECTION TO THE JRPP - LDA2011/0648 (1-9 MONASH ROAD AND 407-417 VICTORIA ROAD, GLADESVILLE)

Note: Photographs of Eltham Street were tabled in relation to this Item and copies are ON FILE.

RESOLUTION: (Moved by Councillors Chung and Maggio)

The Acting General Manager submits an objection to the JRPP and the independent assessor on behalf of Council for the S.96 modifications sought for LDA2011/0648 (1-9 Monash Road and 407-417 Victoria Road, Gladesville) based on the following:

Agenda of the Council Meeting No. 8/13, dated Tuesday 23 April 2013.

ITEM 1 (continued)

ATTACHMENT 1

1. **Condition 153** – The proposed modification to the hours of operation are inconsistent with the operating hours of other ALDI stores in NSW and are inconsistent with the good order and amenity of the residential street in which it will operate.
2. **Condition 133 and 146** – The proposed extension of delivery hours will unduly disturb the residential street in which the development is located.
3. **Condition 133** – The proposed increase in deliveries from 2 per day to 6 per day triples the heavy vehicle load on the residential street. This is considered unacceptable to the quiet amenity of the street.
4. **Condition 20** – The increase in the size of delivery vehicles of over 20% from rigid (12.5m) to articulated (15.2m) vehicles presents an unacceptable safety hazard to pedestrians on Monash Road without a heavy safety gate across the Monash Road exit to the Loading dock area locked into position at all times except immediately prior to departure of a heavy vehicle.
5. **Condition 68(g)** – This condition is a safety condition as well as an amenity condition and must not be deleted.
6. **Condition 80** – This clause defines the parameters of noise attenuation and should not be deleted.
7. **Condition 117** – Is a post-construction report and cannot be deleted.

And further submit any objections to the S.96 application that fulfil the intent of this Motion.

And further that Councillor Chung on behalf of Council, present a verbal objection at the public hearing of the JRPP in terms that expand on the written objection and in terms that do not diminish the objection of the Council in any way.

Record of Voting:

For the Motion: Unanimous

TRAFFIC ISSUES RELATED TO ELTHAM STREET, GLADESVILLE

RESOLUTION: (Moved by Councillor Chung and Maggio)

- (a) The Acting General Manager prepare a report detailing appropriate traffic solutions to reduce the flow of vehicular traffic and speeds of vehicles along Eltham Street, Gladesville between Monash Road and Westminster Road and to further improve the flow of traffic at the intersection of Eltham Street, College Street and Monash Road and that this report be brought back to Council by 7 May 2013.
- (b) That traffic monitoring and investigation be extended by two weeks until 19 April 2013.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

MATTER OF URGENCY

Councillor Perram requested to raise a Matter of Urgency regarding the Chronology of Events in respect of the Supreme Court proceedings that were recently issued by Council's General Counsel, Bruce McCann.

The Mayor, Councillor Petch accepted this as an Urgent Item.

RESOLUTION: (Moved by Councillors Perram and The Mayor, Councillor Petch)

That Council consider a Matter of Urgency regarding amending the Chronology of Events in respect of the Supreme Court proceedings, recently provided by the General Counsel, Bruce McCann, the time being 8.16pm.

Record of Voting:

For the Motion: Unanimous

SUPREME COURT PROCEEDINGS - CHRONOLOGY OF EVENTS

RESOLUTION: (Moved by Councillors Perram and Pendleton)

That Council's General Counsel, Bruce McCann be requested to amend and reissue to all Councillors and attach to these Minutes, the full Chronology of Events in respect of the Supreme Court proceedings, which was recently provided to all Councillors.

Record of Voting:

For the Motion: Unanimous

MATTER OF URGENCY

Councillor Maggio requested to raise Matters of Urgency regarding the Ryde Riverwalk Project and to the San Antonio Nursing Home renovation/extensions development application.

The Mayor, Councillor Petch accepted these as Urgent Items.

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

That Council consider Matters of Urgency regarding the Ryde Riverwalk Project and to the San Antonio Nursing Home renovation/extensions development application, the time being 8.30pm.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Maggio, Pickering and Yedelian OAM

Against the Motion: Laxale, Pendleton, Perram, Salvestro-Martin, Simon

RYDE RIVERWALK PROJECT

MOTION: (Moved by Councillors Maggio and Etmekdjian)

That Council undertake a Councillors and community forum regarding the Ryde Riverwalk Project at the completion of the exhibition period on 17 April 2013, inviting any interested community groups to formalise any concerns they may have before the final report is presented to Council.

On being put to the meeting, the voting on the Motion was five (5) votes For and seven (7) votes Against. The Motion was LOST.

Record of Voting:

For the Motion: Councillors Chung, Etmekdjian, Maggio, Pickering and Yedelian OAM

Against the Motion: The Mayor, Councillor Petch and Councillors Laxale, Pendleton, Perram, Salvestro-Martin and Simon

SAN ANTONIO NURSING HOME

Note: Councillor Maggio WITHDREW this Matter of Urgency.

MATTER OF URGENCY

Note: Councillor Pickering left the meeting at 8.48 pm and was not present for voting on this Item.

Councillor Salvestro-Martin requested to raise a Matter of Urgency regarding an Asbestos matter.

The Mayor, Councillor Petch accepted this Item as an Urgent Item.

RESOLUTION: (Councillors Salvestro-Martin and The Mayor, Councillor Petch)

That Council consider a Matter of Urgency regarding an Asbestos Matter, the time being 8.50pm.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

ASBESTOS FINDS - MACQUARIE UNIVERSITY

Note: Councillor Pickering was not present for voting on this Item.

RESOLUTION: (Moved by Councillors Salvestro-Martin and Maggio)

That as a consequence of the 150 Asbestos finds less than 300mm from the northern border of the construction site at 120-128 Herring Road, and especially noting that the Asbestos was found in an area of pedestrian transit, Council work with the landowner, Macquarie University to ensure that student, worker, resident and community safety is not further put at risk from airborne and contamination matter. That Council work with Macquarie University to ensure that the area is appropriately marked and that Macquarie University take precautionary steps including watering down of the site to impede particulate movement.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 12 March 2013

Note: Councillor Pickering was not present for the voting of this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Simon)

That the Minutes of the Council Meeting 4/13, held on 12 March 2013 be confirmed, subject to an adjustment being made to Part 3(a) of the Report of the Works and Community Committee Meeting 2/13 held on March 2013 – Skateboarding Clinics in the City of Ryde (page 29) to now read as follows:

- (a) That Council continue to conduct skateboard clinics in the City of Ryde during school holiday periods.

Record of Voting:

For the Motion: Unanimous

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 4/13 held on 19 March 2013

Note: Councillor Pickering was not present for the voting of this Item.

ITEM 1 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Pendleton and Yedelian OAM)

That Council note that all items of the Planning and Environment Committee meeting 4/13 held on 19 March 2013 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 3/13 held on 19 March 2013

Note: Councillor Pickering was not present for the voting of this Item.

RESOLUTION: (Moved by Councillors Laxale and Etmekdjian)

That Council determine Items 2, 4 and 5(i), 5(l) and 5(p) of the Works and Community Committee report, noting that Items 1, 3 and 5(a), 5(b), 5(c), 5(d), 5(e), 5(f), 5(g), 5(h), 5(j), 5(k), 5(m), 5(n), 5(o), 5(q) and 5(r) were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

2 SIGNIFICANT TREE NOMINATION - 135 MARSDEN ROAD, WEST RYDE

Note: This Item was considered earlier in the Meeting as detailed in these Minutes.

4 DEEBLE STREET - Negotiations on Landscaping

Note: Councillor Pickering was not present for the voting of this item.

RESOLUTION: (Moved by Councillors Laxale and Perram)

- (a) That the proposal by the owners of 70a Champion Road to move their stone letterbox behind their property boundary line and erect a front fence in accordance with Development Control Plan 2010 Part 9.4 Fencing, to delineate the property boundary be accepted with the works to be completed within six (6) months at no cost to Council.
- (b) That no further action be taken on removal of the sandstone landscaping constructed on the Deeble Street road reserve.

ITEM 1 (continued)

ATTACHMENT 1

- (c) That the owners of 70a Champion Road be required to maintain the vegetation and sandstone walls on Council land and should it not be maintained in a satisfactory manner, Council reserves the right to remove the plantings and sandstone walls.
- (d) That in maintaining the landscaping on the road reserve outside their property, the owners of 70a Champion Road annually provide Council a copy of their policy of insurance covering public liability with Council's interest noted on the policy.
- (e) That a notification be placed on the S149(2) certificate relating to the landscaping noting the obligation to maintain the landscaping. within the road reserve and the fact that such landscaping is unapproved by Council.

Record of Voting:

For the Motion: Unanimous

5 TRAFFIC AND PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE held on 31 January 2013

Note: Councillor Pickering was not present for the voting of this Item.

RESOLUTION: (Moved by Councillors Laxale and Perram)

- (i) That Council adopt the following recommendation in relation to the report titled "FIR TREE, WEST RYDE" – Request for 10 Minute Parking, as follows:

That ten minute parking signs be installed as requested in Fir Tree Ave West Ryde, permitting parking between 6.30am - 8.30am and 4.30pm - 6.30pm.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Pickering was not present for the voting of this Item.

RESOLUTION: (Moved by Councillors Laxale and Perram)

- (l) That Council adopt the following recommendation in relation to the report titled "NORMA AVENUE AND WISHART STREET, EASTWOOD" – Request for traffic calming measures, as follows:
 - (i) That Council take no action to introduce traffic calming measures in Norma Avenue and Wishart Street.
 - (ii) That the NSW Police Service be requested to enforce the 50km/hr speed limit along Norma Avenue and Wishart Street.

ITEM 1 (continued)

ATTACHMENT 1

- (iii) That this item be reviewed in 6 months time.
- (iv) That Council write to the residents of Norma Avenue, Wishart Street and Oakes Avenue and advise them of the outcome of the Traffic Report.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Pickering returned to the meeting at 9.06pm

RESOLUTION: (Moved by Councillors Laxale and Perram)

- (p) That Council adopt the following recommendation in relation to the report titled "ROWE STREET, EASTWOOD" – Rowe Street Pedestrian Crossing, as follows:
 - (i) That this issue be referred back to the Traffic Committee for further consideration to include
 - (a) requesting the funding body to advise if the funding offered could be used for a signalled crossing.
 - (b) considering whether a more extensive raised and textured area around the full quadrant of the curve would be possible.
 - (c) considering whether a temporary road closure would alleviate the problem at times of highest conflict for example on Saturdays.

Record of Voting:

For the Motion: Unanimous

4 DEVLIN STREET PEDESTRIAN BRIDGES

RESOLUTION: (Moved by Councillors Pendleton and Yedelian OAM)

- (a) That Council, as Lessor, consult the community on the required service levels for the pedestrian bridges as detailed in the report and that negotiations then be entered into with the lessee to confirm these service levels.
- (b) That the summary report format as a minimum include the date, time, lift location, issue reported, if passenger trapped and for how long, stoppage time and action taken including time and date reported to Council.
- (c) That all resident submissions received as a result of the CityView article and website information be forwarded to Top Ryde Shopping Centre management and included in the summary reports to be circulated to Councillors in the Councillor Information Bulletin.

ITEM 1 (continued)

ATTACHMENT 1

- (d) That Council confirm the Group Manager – Public Works as the main contact for strata committee related issues and for all issues related to the performance of the pedestrian bridges.
- (e) That Council receive a full report on the lift's performance including instance duration when they are out of action and a report that also includes passengers trapped, number and duration.
- (f) That Council reapproach the Roads and Maritime Services (RMS) seeking the reinstatement of the at grade pedestrian crossing across Devlin Street.

Record of Voting:

For the Motion: Unanimous

5 COXS ROAD MASTER PLAN STUDY - OUTCOMES OF COMMUNITY CONSULTATION

Note: Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is aware of the landowners – due to charity events where they have been present.

Note: A letter from Parisi Lawyers dated 26 March 2013 was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by The Mayor, Councillor Petch and Salvestro-Martin)

- (a) That this matter be deferred to provide all Councillors with all the information related to this matter including the Micromex Study.
- (b) That a Councillor Workshop be scheduled as soon as possible to discuss this matter prior to it being reported back to Council.

Record of Voting:

For the Motion: Unanimous

6 INVESTMENT REPORT - February 2013

RESOLUTION: (Moved by Councillors Etmekdjian and Pendleton)

- (a) That Council note the report and a further report to be brought back to Council in April that details a proposal to optimise the number of investments, at the highest rated investment covered by the Federal Government Guarantee, whilst maximising returns.
- (b) The report should also consider any advantage in consolidating investments in the most highly rated and appropriate financial products and seek reconfirmation of Council's Investment Strategy.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

7 COMMUNITY STRATEGIC PLAN REVIEW - Ryde 2021

RESOLUTION: (Moved by Councillors Chung and Yedelian OAM)

- (a) That Council endorse the recommended three phased approach to review the City of Ryde's Community Strategic Plan noting that in Item 2 Phase 2, Council will be taking the broadest approach in its consultation.
- (b) That Council support inclusion of this project in the draft Four Year Delivery Plan for 2014-2016 and Operational Plan 2013/14 under the Outcome of Progressive Leadership.

Record of Voting:

For the Motion: Unanimous

8 NSROC CODE OF CONDUCT REVIEWERS PANEL

RESOLUTION: (Moved by Councillors Yedelian OAM and Pendleton)

- (a) That Council adopt the NSROC Regional panel of Code of Conduct reviewers.
- (b) That Council utilise this panel to select Conduct reviewers to undertake reviews and investigations in accordance with the requirements of the Code of Conduct.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Pendleton, Perram, Pickering, Simon and Yedelian OAM

Against the Motion: Councillors Maggio and Salvestro-Martin

9 NATIONAL COMMUNITY SAFETY AND SECURITY CONFERENCE - Melbourne - 4 to 5 June 2013

RESOLUTION: (Moved by Councillors Chung and Pickering)

That Council nominate Councillors Maggio and Yedelian OAM to attend the National Community Safety and Security to be held in Melbourne from Tuesday, 4 June to Wednesday, 5 June 2013.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

10 AUDIT AND RISK COMMITTEE - APPOINTMENT OF COUNCILLOR REPRESENTATIVES

RESOLUTION: (Moved by Councillors Pendleton and Yedelian OAM)

That Council confirm Councillors Etmekdjian and Pendleton as the Councillor representatives and Councillors Salvestro-Martin and Chung as the alternates for membership of Council's Audit and Risk Committee.

Record of Voting:

For the Motion: Unanimous

11 MACQUARIE PARK FORUM - TERMS OF REFERENCE

RESOLUTION: (Moved by Councillors Pickering and Laxale)

That Council confirms the ATTACHED Terms of Reference for the Macquarie Park Forum Advisory Committee, noting the following minor changes:

- 'Transport Infrastructure Development Corporation' (TIDC) has been renamed Transport Construction Authority (TCA)
- Reference to the Forum comprising about 40 members be deleted

Record of Voting:

For the Motion: Unanimous

12 SUPPORT TO THE RYDE HUNTERS HILL SYMPHONY ORCHESTRA

Note: Councillor Etmekdjian disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he has a close community relationship with the president and RHHSO.

Note: Councillor Yedelian OAM disclosed a Significant Non-Pecuniary Interest in this Item for the reason that the President of the Board is a neighbour and a relative is on the Board.

Note: Councillors Etmekdjian and Yedelian OAM left the meeting at 10.22pm and were not present for consideration or voting on this Item.

MOTION: (Moved by Councillors Maggio and Simon)

- (a) That Council continue to support free venue hire for the remainder of the Calendar year.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That Council encourage Ryde Hunters Hill Symphony Orchestra to apply for a community Grant through Council's Grant Process.
- (c) That Council write to Hunters Hill Council seeking dollar for dollar contribution to match Council's contribution.
- (d) That Council undertake a review of the Community Grants process to ensure equity is provided to all groups.

AMENDMENT: (Moved by The Mayor, Councillor Petch and Councillor Pendleton)

- (a) That Council, in addition to the existing agreed support, provides the Ryde Hunters Hill Symphony Orchestra with a support as outlined in Option 2A of this report, to the value of \$21,618, effective 1 July 2013, until 30 June 2016 (the term of the Current Delivery Plan).
- (b) That Council request the above allocation be made in the Draft Delivery Plan 2013-2016.
- (c) That Hunters Hill Council be advised of the City of Ryde's contribution to the Ryde Hunters Hill Symphony Orchestra and be requested to match Council's contribution.

On being put to the Meeting, the voting on the Amendment was three (3) votes For and six (6) votes Against. The Amendment was LOST. The Motion was then put and CARRIED.

Record of Voting:

For the Amendment: The Mayor, Councillor Petch and Councillors Pendleton and Perram

Against the Amendment: Councillors Chung, Laxale, Maggio, Pickering, Salvestro-Martin and Simon

RESOLUTION: (Moved by Councillors Maggio and Simon)

- (a) That Council continue to support free venue hire for the remainder of the Calendar year.
- (b) That Council encourage Ryde Hunters Hill Symphony Orchestra to apply for a community Grant through Council's Grant Process.
- (c) That Council write to Hunters Hill Council seeking dollar for dollar contribution to match Council's contribution.
- (d) That Council undertake a review of the Community Grants process to ensure equity is provided to all groups.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

COMPLETION OF BUSINESS – EXTENSION OF TIME

Note: Councillors Etmekdjian and Yedelian OAM were not present for the voting of this Item.

RESOLUTION: (Moved by the Mayor, Councillor Petch and Councillor Salvestro-Martin)

That the meeting time be extended to allow Council to complete all Items of business on the Agenda, the time being 10.52pm.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Laxale, Maggio, Pendleton, Perram, Simon

Against the Motion: Councillor Pickering

13 PROCUREMENT PROCESS - SUPPLY OF ELECTRICITY FOR LARGE SITES AND STREET LIGHTING, SMALL SITES AND THE SUPPLY OF GAS TO LARGE SITES

Note: Councillors Etmekdjian and Yedelian OAM returned to the meeting at 10.53 pm.

RESOLUTION: (Moved by Councillors Perram and Chung)

- (a) That Council endorses Council's continued participation in the procurement process for large market electricity sites to be conducted through SSROC with the assistance of the prescribed body Procurement Australia
- (b) That, in accordance with the Tender evaluation report, the Acting General Manager be delegated authority to enter into an agreement with the Origin Energy in relation to the supply of electricity to Councils small market electricity and gas sites.
- (c) That Council endorses the recommended procurement process to be undertaken with respect to the large market gas site and that the Acting General Manager be delegated authority to enter into a supply agreement with a suitable supplier.
- (d) Given the significant and taxation changes since the last energy supply contracts, Council discontinue its purchase of GreenPower and a report be provided to Council in redirecting these funds on cost effective energy efficiency measures to be adopted by Council.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Maggio, Pendleton, Perram, Pickering and Yedelian OAM

Against the Motion: Councillors Laxale, Salvestro-Martin and Simon

14 (COR-RFT-21/12) FOR THE UPGRADE, INSTALLATION AND MAINTENANCE OF MACQUARIE PARK PARKING METERS

Note: Councillor Pickering left the meeting at 11.05pm and was not present for the voting of this Item.

RESOLUTION: (Moved by Councillors Perram and Pickering)

- (a) That Council accept the tender from Reino International Pty Ltd for the upgrade and maintenance of seventy-seven (77) Parking Meters in Macquarie Park to the amount of \$420,330 over three years as recommended in the Tender Evaluation Report.
- (b) That Council accept the tender from ECS International Security for the collection of cash from seventy-seven (77) Parking Meters in Macquarie Park for three years to the amount of \$27,048 as recommended in the Tender Evaluation Report.
- (c) That Council delegate to the Acting General Manager the authority to enter into a contract with Reino International Pty Ltd and ECS International Security and Investigations on the terms contained within the tender and for minor amendments to be made to the contract documents that are not of a material nature.
- (d) That Council approve the advisory of all respondents of Council's decision.
- (e) That Council allocate the amount of allocation of \$447,378 from the Macquarie Park Corridor Special Levy for the purposes of the upgrade and maintenance of, and the collection of cash from seventy-seven (77) Parking Meters in Macquarie Park, and that the amount also be consolidated into the next Quarterly Review.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Maggio, Pendleton, Perram

Against the Motion: Councillors Laxale, Simon, Salvestro-Martin and Yedelian OAM

15 PERFORMANCE DEVELOPMENT SYSTEM (PDS)

Note: Councillor Chung left the meeting at 11.11pm and was not present for the voting of this Item.

ITEM 1 (continued)

ATTACHMENT 1

Note: Councillor Pickering was not present for the voting of this Item.

RESOLUTION: (Moved by Councillors Perram and Etmekdjian)

That Council receive and note the findings of the KPMG report – Review of the Performance Development System.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Etmekdjian, Laxale, Maggio, Pendleton, Perram, Simon and Yedelian OAM

Against the Motion: Councillor Salvestro-Martin

16 REPORTS DUE TO COUNCIL

Note: Councillor Chung was not present for the voting of this Item.

Note: Councillor Pickering was not present for the voting of this Item.

RESOLUTION: (Moved by Councillors Pendleton and Yedelian OAM)

That the report on Outstanding Council Reports be endorsed.

Record of Voting:

For the Motion: Unanimous

17 DEFERRED REPORT: POLICY ON THE PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE MAYOR AND OTHER COUNCILLORS

Note: The Mayor, Councillor Petch disclosed a Pecuniary Interest in this Item for the reason that he is a defendant in a court case relating to this resolution.

Note: Councillor Perram disclosed a Pecuniary Interest in this Item for the reason that he is a defendant in incomplete Court proceedings where costs, potentially covered by this policy, have yet to be determined.

Note: Councillor Simon disclosed a Significant Non-Pecuniary Interest in this Item for the reason that the policy may have retrospective implications on cost proceedings against people who he considers to be friends or acquaintances.

Note: Councillor Laxale disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he has a relationship with former Councillor Butterworth (retrospective cost implication).

Note: Councillor Salvestro-Martin disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he is a listed party in legal proceedings.

ITEM 1 (continued)

ATTACHMENT 1

Note: This matter was deferred by the Mayor, Councillor Petch for consideration by Council at the end of this Meeting.

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 THANK YOU LETTER TO COUNCIL FOR \$1000 DONATION TOWARDS ERIN'S PLACE INC WOMEN'S REFUGE

RESOLUTION: (Moved by Councillors Perram and Yedelian OAM)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

2 JOINT REGIONAL PLANNING PANELS OPERATIONAL PROCEDURES - TIMEFRAME FOR COMPLETION OF COUNCIL'S ASSESSMENT REPORT

RESOLUTION: (Moved by Councillors Yedelian OAM and Simon)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

3 NORTH RYDE STATION PRECINCT - TENNIS WORLD SITE - INVESTIGATIONS BY THE DEPARTMENT OF PLANNING AND INFRASTRUCTURE

RESOLUTION: (Moved by Councillors Salvestro-Martin and Laxale)

(a) That the correspondence be received and noted.

(b) That Ryde Council write to the Minister for Planning and the local member seeking an extension to the public consultation period for the North Ryde Station Precinct Urban Activation Precinct.

(c) That Ryde Council host an information evening before 30 April on Urban Activation Precincts, inviting the Minister for Planning, the member for Ryde and interested parties.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

LATE ITEMS

PRECIS OF CORRESPONDENCE

4 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT

Note: Documentation received from Parliament of NSW Legislative Assembly, dated 22 March 2013 was tabled and considered in conjunction with this Item. A copy is ON FILE.

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

5 TRAFFIC SPEED - PITTWATER ROAD

RESOLUTION: (Moved by Councillors Yedelian OAM and Etmekdjian)

That the correspondence be received and noted.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillor Laxale

6 BUFFALO AND KITTY'S CREEKS FLOODPLAIN RISK STUDY AND PLAN

Note: A letter from the City of Ryde dated 21 March 2013 was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Etmekdjian and Yedelian OAM)

That the correspondence be received and noted.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Maggio, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillors Laxale and Pendleton

ITEM 1 (continued)

ATTACHMENT 1

NOTICES OF MOTION

1 DEFERRED NOTICE OF MOTION: SUPPORTING LOCAL BUSINESS LEASING COUNCIL PROPERTIES - Councillor Bill Pickering

RESOLUTION: (Moved by Councillors Pickering and Maggio)

- (a) That the Acting General Manager provide a report including recommendations on improving relations and feedback from small business operators who are leasing properties from the City of Ryde.
- (b) That this report include matters pertaining (but not limited) to:
- Possible consultation frameworks;
 - Improving commercial leasing terms including 'options' to extend a lease after expiry; and
 - Feedback channels for suggestions that include improvements or enhancements to council properties.

Record of Voting:

For the Motion: Unanimous

2 NATIONAL DISABILITY STRATEGY: NSW IMPLEMENTATION PLAN 2012-2014 - Councillor Denise Pendleton

RESOLUTION: (Moved by Councillors Pendleton and Yedelian OAM)

- (a) That Council receive a report that:
- provides an initial assessment of the areas of action required by Councils, as identified in the plan.
 - identifies the anticipated resourcing issues.
 - outlines the proposed management mechanism/s to plan and coordinate the implementation of the required actions.
- (b) That Council consult the Access Committee regarding the outcomes of part (a).

Record of Voting:

For the Motion: Unanimous

3 MONTHLY REPORTING TO COUNCIL - Councillor Denise Pendleton

RESOLUTION: (Moved by Councillors Pendleton and Simon)

That a highlights monthly report be developed in conjunction with the Councillors covering key management items including: human resources (sick leave, recreation leave in excess of 20 and 30 days); OH&S; complaints; organisational risk issues; legal actions.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

4 ADVERTISING SERVICES - Councillor Jeff Salvestro-Martin

Note: A confidential Memorandum dated 27 February 2013 was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Salvestro-Martin and Etmekdjian)

That Council note the Confidential Advice in the Memorandum – Advertising Contract Renewal dated 27 February 2013 and that the Acting General Manager:

- (i) fast track the Communication Strategy review;
- (ii) develop tender documents to allow Council’s advertising services to be tendered and contracts issued at the end of the extended contract period, being effective from 1 October 2013;
- (iii) ensure the formulation of the tender is consistent with the memorandum;
- (iv) ensure consideration is also given to the option of producing a publication to replace the need for advertising in local newspapers and information provided in the City View. That this proposal include the option of sponsorship.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Salvestro-Martin left the meeting at 12.21am on Wednesday, 27 March 2013 and did not return.

LEAVE OF ABSENCE

Councillor Perram and the Mayor, Councillor Petch requested a Leave of Absence from Wednesday, 27 March 2013 to Monday, 8 April 2013.

RESOLUTION: (Moved by Councillors Perram and Etmekdjian)

That Councillor Perram and the Mayor, Councillor Petch’s Leave of Absence from Wednesday, 27 March 2013 to Monday, 8 April 2013 be approved.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Maggio, Pendleton, Perram, Simon and Yedelian OAM

Against the Motion: Councillor Pickering

ITEM 1 (continued)

ATTACHMENT 1

**EXTRAORDINARY MEETING – WEDNESDAY, 27 MARCH 2013 - LEGAL COSTS
SUPREME COURT PROCEEDINGS**

The Mayor, Councillor Petch raised the issue of the Extraordinary Meeting on Wednesday, 27 March 2013 and the likelihood that the meeting would not have a quorum at the meeting.

The Mayor, Councillor Petch asked by a show of hands those Councillors that would be able to attend the meeting which confirmed that there would not be a quorum at the Extraordinary Council Meeting.

The Mayor, Councillor Petch and Councillor Perram left the meeting, the time being 12.34am on Wednesday, 27 March 2013.

ELECTION OF CHAIRPERSON

In the absence of the Mayor, Councillor Petch, the Acting General Manager called for nominations for the position of Chairperson. Councillor Etmekdjian was nominated as Chairperson.

RESOLUTION: (Moved by Councillors Pickering and Maggio)

That Councillor Etmekdjian assume the Chair for consideration of this Item.

Record of Voting:

For the Motion: Councillors Chung, Etmekdjian, Laxale, Maggio, Pickering, Simon and Yedelian OAM

Against the Motion: Councillor Pendleton

Councillor Etmekdjian assumed the Chair.

SUPREME COURT PROCEEDINGS

MOTION: (Moved by Councillors Etmekdjian and Pickering)

That the matter be delegated to the Acting General Manager to enact Council's resolution from its meeting on 26 February 2013.

Note: Councillor Simon left the meeting at 1.00am on Wednesday, 27 March 2013 and did not return.

AMENDMENT: (Moved by Councillors Pendleton and Laxale)

That the matter be referred to the Division of Local Government to provide written advice in guiding Council how to proceed in this matter.

ITEM 1 (continued)

ATTACHMENT 1

On being put to the Meeting, the voting on the Amendment was two (2) votes For and five (5) votes Against. The Amendment was LOST.

Record of Voting:

For the Motion: Councillors Laxale and Pendleton

Against the Motion: Councillors Chung, Etmekdjian, Maggio, Pickering and Yedelian OAM

MOTION: (Moved by Councillors Etmekdjian and Pickering)

That the matter be delegated to the Acting General Manager to enact Council's resolution at its meeting on 26 February 2013.

Note: Councillor Laxale left the meeting at 1.03am on Wednesday, 27 March 2013 prior to voting taking place on the matter.

As a result, the meeting could not proceed due to a lack of quorum.

ADJOURNMENT

In accordance with Clause 4.2.4 of the Code of Meeting Practice, The Chair, Councillor Etmekdjian adjourned the Council Meeting as a quorum was not present, the time being 1.03am on Wednesday, 27 March 2013. The Council Meeting was adjourned to:

Tuesday, 9 April 2013 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde to commence at 7.30pm prior to the Council Meeting of 9 April 2013.

The following Councillors were present: Councillors Chung, Etmekdjian, Maggio, Pendleton, Pickering and Yedelian OAM

The following Councillors were not present: The Mayor, Councillor Petch and Councillors Laxale, Perram, Salvestro-Martin and Simon.

MEETING RECONVENED

The Meeting reconvened at 7.30pm on Tuesday, 9 April 2013 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

Apologies: Nil.

ITEM 1 (continued)

ATTACHMENT 1

Leave of Absence: Nil.

Staff Present: Acting General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Acting Group Manager - Public Works, General Counsel, Manager – Urban Planning, Manager – Communications and Media, Section Manager – Governance and Councillor Support Coordinator.

DISCLOSURES OF INTEREST

The Mayor, Councillor Petch disclosed a Pecuniary Interest in Mayoral Minute 7/13 – Supreme Court Proceedings for the reason that he is a defendant in the matter before the Supreme Court for which costs have yet to be determined.

Councillor Laxale disclosed a Significant Non-Pecuniary Interest in Mayoral Minute 7/13 – Supreme Court Proceedings for the reason that he has a relationship with former Councillor Butterworth.

Councillor Li disclosed a Pecuniary Interest in Mayoral Minute 7/13 – Supreme Court Proceedings for the reason that he is a defendant in these proceedings.

Councillor Simon disclosed a Significant Non-Pecuniary Interest in Mayoral Minute 7/13 – Supreme Court Proceedings for the reason he has friendships with people who are subject to the proceedings.

Councillor Perram disclosed a Pecuniary Interest in Mayoral Minute 7/13 – Supreme Court Proceedings for the reason that he is a defendant in the matter before the Supreme Court for which costs have yet to be determined.

Councillor Salvestro-Martin disclosed a Significant Non-Pecuniary Interest in Mayoral Minute 7/13 – Supreme Court Proceedings for the reason that he is a listed person.

MAYORAL MINUTES

MM7/13 SUPREME COURT PROCEEDINGS

Note: The General Counsel had provided written advice to Councillors on Tuesday 2 April 2013 in respect of this matter and the ability of all Councillors to participate in considering and voting on this matter, to delegate this matter to the Acting General Manager. The Division of Local Government also provided advice on this matter, dated 28 March 2013. Copies of both advices are attached to the Minutes.

Note: The General Counsel at the meeting, verbally confirmed his advice to Councillors that all Councillors could participate in the discussion and voting on the matter on the basis that Council delegates this matter to the Acting General Manager.

ITEM 1 (continued)

ATTACHMENT 1

Note: The Mayor, Councillor Petch disclosed a Pecuniary Interest in this Item for the reason that he is a defendant in the matter before the Supreme Court for which costs have yet to be determined. He was present for discussion and voting on this Item on the basis of advice received from Council's General Counsel, Bruce McCann.

Note: Councillor Laxale disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he has a relationship with former Councillor Butterworth. He was present for discussion and voting on this Item on the basis of advice received from Council's General Counsel, Bruce McCann.

Note: Councillor Li disclosed a Pecuniary Interest in this Item for the reason that he is a defendant in these proceedings. He was present for discussion and voting on this Item on the basis of advice received from Council's General Counsel, Bruce McCann.

Note: Councillor Simon disclosed a Significant Non-Pecuniary Interest in this Item for the reason he has friendships with people who are subject to the proceedings. He was present for discussion and voting on this Item on the basis of advice received from Council's General Counsel, Bruce McCann.

Note: Councillor Perram disclosed a Pecuniary Interest in this Item for the reason that he is a defendant in the matter before the Supreme Court for which costs have yet to be determined. He was present for discussion and voting on this Item on the basis of advice received from Council's General Counsel, Bruce McCann.

Note: Councillor Salvestro-Martin disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he is a listed person. He was present for discussion and voting on this Item on the basis of advice received from Council's General Counsel, Bruce McCann.

RESOLUTION: (Moved by The Mayor, Councillor Petch and Councillor Etmekdjian)

- (a) That Council delegate the Supreme Court Proceedings matter to Council's Acting General Manager, Danielle Dickson.
- (b) That the Acting General Manager provide updates at appropriate milestones of the process that only cover progress of the matter.

Record of Voting:

For the Motion: Unanimous

MATTER OF URGENCY

Councillor Perram advised that he wished to raise a Matter of Urgency regarding the budget for 2013/14.

RESOLUTION: (Moved by Councillors Perram and Pendleton)

That Council consider Councillor Perram's Matter of Urgency regarding the Budget for 2013/14, the time being 7.48pm.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Salvestro-Martin and Simon

Against the Motion: Councillors Pickering and Yedelian OAM.

MATTER OF URGENCY - BUDGET FOR 2013/14

RESOLUTION: (Moved by Councillors Perram and Pendleton)

1. That Council determines to phase out the production of the Ryde City View publication in parallel with the resolution of Council dated 26 March 2013 to extend the current advertising tender to October 2013. That Council make all related budget and resourcing changes to affect this resolution.
2. Council note the above in relation to the development of a Communications Strategy resolved by Council on 12 March 2013 and to provide an extension for the report back of the draft strategy to Council no later than December 2013.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Salvestro-Martin and Simon

Against the Motion: Councillors Pickering and Yedelian OAM

SUPREME COURT PROCEEDINGS

Note: This Item was dealt with under the Mayoral Minute MM7/13.

17 DEFERRED REPORT: POLICY ON THE PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE MAYOR AND OTHER COUNCILLORS

Note: A copy of the Division of Local Government's advice, dated 28 March 2013 is Attached.

Note: The Mayor, Councillor Petch withdrew his Pecuniary Interest in this Item on the basis of advice received from the Division of Local Government.

Note: Councillor Perram withdrew his Pecuniary Interest in this Item on the basis of advice received from the Division of Local Government.

Note: Councillor Simon withdrew his Significant Non-Pecuniary Interest in this Item on the basis of advice received from the Division of Local Government.

ITEM 1 (continued)

ATTACHMENT 1

Note: Councillor Laxale withdrew his Significant Non-Pecuniary Interest in this Item on the basis of advice received from the Division of Local Government.

Note: Councillor Salvestro-Martin withdrew his Significant Non-Pecuniary Interest in this Item on the basis of advice received from the Division of Local Government.

RESOLUTION: (Moved by Councillors Pickering and Salvestro-Martin)

- (a) That Council endorse the provision of mobile phones and payment of calls as set out in this report and as **ATTACHED (Under Separate Cover)**.
- (b) That Council endorse the proposed changes to Clause 17 of the Policy, relating to Legal Assistance Provision and Expenses as detailed in the report and as **ATTACHED (Under Separate Cover)**.
- (c) That Council endorse the public exhibition of the revised Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy (**ATTACHED - Under Separate Cover**) for a period of at least 28 days, noting that a copy of the draft will be provided to the Division of Local Government for comment.
- (d) That after the exhibition period of the draft policy, a further report be provided to Council seeking the adoption of the draft Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy and detailing any submissions received.

Record of Voting:

For the Motion: Unanimous

NOTICES OF RESCISSION

There were no Notices of Rescission.

QUESTIONS BY COUNCILLORS AS PER POLICY

There were no Questions by Councillors as per Policy.

The meeting closed at 8.04pm on 9 April 2013.

CONFIRMED THIS 23RD DAY OF APRIL 2012

Chairperson

ITEM 1 (continued)

ATTACHMENT 1

Note: In accordance with Council's resolution, relating to the Matter of Urgency, relating to the Supreme Court Proceedings on Page 6 in these Minutes, a revised Chronology of Events is attached to these Minutes.

Note: In Council's consideration of the Supreme Court Proceedings Matter, the subject of a Mayoral Minute on Page 26 of these Minutes, the advice to Councillors from Council's General Counsel, Bruce McCann and the Division of Local Government, is attached to these Minutes.

Note: A copy of the Local Government's advice, dated 28 March 2013 attached to these Minutes, also includes advice relating to Council's consideration of Item 17 - Deferred Report: Policy on the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors as detailed on page 28 of these Minutes.

ITEM 1 (continued)

ATTACHMENT 1

CHRONOLOGY – SUPREME COURT PROCEEDINGS

Council v. Petch and ors. (first proceedings)

ICAC v. Council (second proceedings)

18 April 2012

Mr Neish makes a Public Interest Disclosure to the then Mayor Councillor Artin Etmekdjian pursuant to the Public Interest Disclosures Act 1994 (Act).

9 July 2012

Two Councillors request an extraordinary meeting to consider a resolution that Mr Neish's contract of employment be terminated.

11 July 2012

Mr Neish makes a protected disclosure to ICAC.

23 July 2012

Motion to terminate Mr Neish's employment was passed. A rescission motion was lodged staying the resolution.

NOTE – Council now in caretaker mode in preparation for 8 September 2012 election. General Managers cannot normally have their contracts terminated during this period however removal turned on the fate of the rescission motion.

8 August 2012

Mayor Etmekdjian on legal advice writes to all Councillors through HWL Ebsworths requiring the following undertaking:-

In the circumstances, the Mayor has instructed us to write to you, to seek the following undertaking:

1. I agree and undertake to refrain from voting against the rescission motion on 14 August 2012, pending the report of investigations by the ICAC; and
2. Council requires a written undertaking from you to the above or similar effect, to be received at this office by **10.00am Friday 10 August 2012**.

Six Councillors provide the undertaking; six refuse. **Note: 2 of the 6 Councillors who provided the required undertaking did so on the morning of the hearing.**

ITEM 1 (continued)

ATTACHMENT 1

13 August 2012

Mayor Etmekdjian lawfully commences proceedings in the Supreme Court seeking protection for Mr Neish against the risk that the rescission motion will be put and not carried.

14 August 2012

Justice McCallum grants an Order restraining three of the six defendants from voting against the rescission motion until 24 September 2012, being the date to which the first proceedings were adjourned. Her Honour forms the view that Mr Neish's public interest disclosure and the motion to terminate his contract are linked and amount to prohibited detrimental action under the Act.

Her Honour was of the view that the Court should visit the matter again following the election to learn who of the injuncted Councillors was re-elected and to extend the injunction against those Councillors who were re-elected. There was no point in continuing the injunction against a Councillor if the Councillor was not re-elected.

NOTE 8 September 2012 Election

20 September 2012

HWL Ebsworths write to the four newly elected Councillors requesting the required undertaking without response.

24 September 2012

First proceedings listed before Justice Schmidt. Under instruction from Mayor Etmekdjian, Council's solicitors seek an extension of the Orders made by Justice McCallum to 3 December 2012 **and** a further Order that the three Councillors be restrained from voting in favour of discharging Her Honour's Orders or from discontinuing the first proceedings. Justice Schmidt reserves her decision and extends Justice McCallum's orders until "further order of the Court".

25 September 2012

By resolution of the new Council on Mayoral Minute 09/12 of Mayor Petch, Council resolves the first proceedings by discharging the Orders of Justice Schmidt, dismissing the amended Notice of Motion and reserving costs.

28 September 2012

The first proceedings come before Justice Schmidt for judgement. Her Honour is presented with the Consent Orders flowing from the Council Resolution of 25 September 2012 before delivering judgement.

By leave of the Court Justice Schmidt allowed the ICAC to commence the second proceedings seeking an order that Council not take any action that would terminate the employment of Mr Neish until ICAC investigations are complete.

ITEM 1 (continued)

ATTACHMENT 1

Mayor Petch gave that undertaking on behalf of Council.

Her Honour granted the Consent Orders but in doing so said words to the effect;-

“But for the agreement reached I would have refused to make the consent orders that both parties have agreed to”.

The second proceedings were dismissed with no order as to costs.

Her Honour adjourned the question of costs to 1 February 2013. The matter was further adjourned to 4 April 2013.

Current Position

Council is awaiting advice from the ICAC regarding the status of its investigations. The Order of Justice Schmidt in the second proceedings remains in place.

The costs issue and status with regard to the first proceedings remain outstanding pending resolution by Supreme Court determination on 5 April 2013.

ITEM 1 (continued)

ATTACHMENT 1

From: Carol Mikaelian **On Behalf Of** Desk Help (Councillors Helpdesk)

Sent: Tuesday, 2 April 2013 4:01 PM

To: DL Councillors

Cc: Roy Newsome

Subject: Supreme Court proceedings and Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy

Importance: High

Dear Councillors

On 26 March 2013 I provided Council's Group Manager-Corporate Services, Roy Newsome with written advice on how Council could overcome a potential loss of quorum at meetings where a number of Councillors might declare either a **pecuniary or significant non-pecuniary** interest with respect to the costs issue in the Supreme Court Proceedings. A copy of that advice is attached for the information of Councillors.

Advice was also sought from the Division of Local Government about the operation of the new Model Code of Conduct where Council faced a possible loss of quorum as a result of compliance with the requirements for the management of **significant non-pecuniary** conflicts of interest.

The Division's response also deals with the ability of "conflicted" Councillors to participate in a decision to approve a policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors. A copy of the Division's letter dated 28 March 2013 is attached for the information of Councillors.

Sincerely

Bruce McCann | General Counsel | Public Officer


P: (02) 9952 8080 | **F:** (02) 9952 8088

E: bmccann@ryde.nsw.gov.au | www.ryde.nsw.gov.au

Sent via,

COUNCILLORS' HELP DESK

P: 9952 8200 | **E:** helpdesk@ryde.nsw.gov.au | www.ryde.nsw.gov.au

 City of Ryde

Lifestyle and opportunity @ your doorstep

This Email is privileged and confidential. If you are not the intended recipient please delete the message and notify the sender. The use, copying or distribution of this message or any information it contains, by anyone other than the intended recipient is prohibited. Unless stated otherwise, this email represents only the views of the sender and not the views of the City of Ryde. Please note: information provided to Council in correspondence may be made publicly available, in accordance with the Government Information Public Access Act (GIPA Act) 2009.

ITEM 1 (continued)

ATTACHMENT 1



Lifestyle and opportunity
@ your doorstep

MEMORANDUM

To: Roy Newsome – Group Manager Corporate Services
From: Bruce McCann – General Counsel / Public Officer
Date: 26 March 2013
Subject: Supreme Court Proceedings – Costs Issue and Conflicts of Interest

Roy

I note from the Mayor's email to you of 25 March 2013 that there are now six (6) Councillors who propose to declare a pecuniary interest that would disqualify them from participating in any meeting of Council to discuss the issue of costs in the Supreme Court Proceedings.

The inability of the six (6) Councillors to participate in the scheduled Extra Ordinary Meeting of Council on Wednesday 27 March 2013 would have the effect of rendering that meeting inquorate. I note the Mayor's advice that four (4) Councillors, including himself, have a direct pecuniary interest. These would be the defendant Councillors. The Mayor indicates there are another two (2) Councillors who have declared a pecuniary interest. If in fact those two (2) other Councillors who were not directly involved in the Supreme Court Proceedings have or will declare a pecuniary interest, then it would be in order for the Acting General Manager to write to the Minister of Local Government seeking the Minister's Consent under Section 458 of the Local Government Act for them to participate in and vote on the matter.

If at the Extra Ordinary meeting the two (2) non defendant Councillors declare a non pecuniary interest then Section 458 of the Act cannot be relied upon as the section only relates to "pecuniary" interests.

Councils Code of Conduct specifically caters for this scenario where there is a loss of quorum as a result of compliance with the Conflict of Interest provisions of the Code. The relevant extract of the Code, states:-

Part 4 Conflict of Interests

Loss of Quorum as a result of compliance with this Part

- 4.25 Where a majority of councillors are precluded under this Part from consideration of a matter the Council or committee must resolve to delegate consideration of the matter in question to another person.
- 4.26 Where a majority of Councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non –pecuniary conflict of Interests.

ITEM 1 (continued)

ATTACHMENT 1

- 4.27 The Chief Executive will only exempt a Councillor from complying with a requirement under this Part where:
- a) compliance by Councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
 - b) the matter relates to the exercise of a function of the Council that may not be delegated under Section 377 of the Act.

The function of instructing Maddocks can be delegated to the Acting General Manger under Section 377 of the Act and for this reason the Chief Executive would not grant an exemption under Clause 4.26.

My advice therefore in all the circumstances is that the full Council at the Extraordinary Meeting scheduled for 27 March 2013 could and should resolve to delegate the function of instructing Maddocks Lawyers on behalf of Council, to the Acting General Manger. Clause 4.25 of the Code provides for the matter to be delegated.

Further, it is my view that all Councillors could participate in an appropriately worded resolution delegating authority to the Acting General Manager for the reason that the Council would not be resolving how the Acting General Manger should instruct Maddocks lawyers, but rather that she should instruct them.

I trust the foregoing is of assistance and I invite further inquiry if deemed necessary.

Yours sincerely



Bruce McCann
General Counsel / Public Officer

ITEM 1 (continued)

ATTACHMENT 1

PART 4 CONFLICT OF INTERESTS

- 4.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 4.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 4.3 Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 4.4 Private interests can be of two types: pecuniary or non-pecuniary.

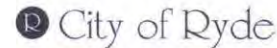
What is a pecuniary interest?

- 4.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. (section 442)
- 4.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. (section 443)
- 4.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
 - a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (section 449)
 - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (section 451)
 - c) designated persons immediately declare, in writing, any pecuniary interest. (section 459)
- 4.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 4.9 Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

Code of Conduct 2013 – City of Ryde – Standards of Conduct		
Owner: Governance Service Unit	Accountability: Manager, Governance	Policy Number: # Provided by: Governance
Trim Reference: D13/7214	Review date: 1 March 2014	Endorsed: Council – 19 February 2013

ITEM 1 (continued)

ATTACHMENT 1



Lifestyle and opportunity
@ your doorstep

What are non-pecuniary interests?

4.10 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

4.11 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

4.12 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

4.13 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.12.

4.14 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

4.15 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:

- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
- b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

4.16 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

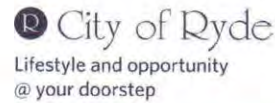
- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
- b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

4.17 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

Code of Conduct 2013 – City of Ryde – Standards of Conduct		
Owner: Governance Service Unit	Accountability: Manager, Governance	Policy Number: # <i>Provided by Governance</i>
Trim Reference: D13/7214	Review date: 1 March 2014	Endorsed: Council – 19 February 2013

ITEM 1 (continued)

ATTACHMENT 1



- 4.18 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 4.19 Despite clause 4.16(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff through the general manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.16(b) above.

Reportable political donations

- 4.20 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
- 4.21 Where a councillor has received or knowingly benefitted from a reportable political donation:
 - a) made by a major political donor in the previous four years, and
 - b) where the major political donor has a matter before council,
 then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 4.16(b).
- 4.22 For the purposes of this Part:
 - a) a "reportable political donation" is a "reportable political donation" for the purposes of section 86 of the *Election Funding, Expenditure and Disclosures Act 1981*,
 - b) a "major political donor" is a "major political donor" for the purposes of section 84 of the *Election Funding, Expenditure and Disclosures Act 1981*.
- 4.23 Councillors should note that political donations below \$1,000, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.
- 4.24 If a councillor has received or knowingly benefitted from a reportable political donation of the kind referred to in clause 4.21, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff through the general manager or appointing another person or body to make the decision in accordance with the law (see clause 4.19 above).

Loss of quorum as a result of compliance with this Part

- 4.25 Where a majority of councillors are precluded under this Part from consideration of a matter the council or committee must resolve to delegate consideration of the matter in question to another person.

Code of Conduct 2013 – City of Ryde – Standards of Conduct		
Owner: Governance Service Unit	Accountability: Manager, Governance	Policy Number: # <i>Provided by Governance</i>
Trim Reference: D13/7214	Review date: 1 March 2014	Endorsed: Council – 19 February 2013

ITEM 1 (continued)

ATTACHMENT 1

- 4.26 Where a majority of councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.
- 4.27 The Chief Executive will only exempt a councillor from complying with a requirement under this Part where:
- a) compliance by councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
 - b) the matter relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.
- 4.28 Where the Chief Executive exempts a councillor from complying with a requirement under this Part, the councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.
- 4.29 A councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:
- a) the matter is a proposal relating to
 - i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and
 - b) the councillor declares any interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

Other business or employment

- 4.30 If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (section 353)
- 4.31 As a member of staff, you must ensure that any outside employment or business you engage in will not:
- a) conflict with your official duties
 - b) involve using confidential information or council resources obtained through your work with the council
 - c) require you to work while on council duty
 - d) discredit or disadvantage the council.

Code of Conduct 2013 – City of Ryde – Standards of Conduct		
Owner: Governance Service Unit	Accountability: Manager, Governance	Policy Number: # <i>Provided by Governance</i>
Trim Reference: D13/7214	Review date: 1 March 2014	Endorsed: Council – 19 February 2013

ITEM 1 (continued)

ATTACHMENT 1



Premier & Cabinet
Division of Local Government

5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

Our Reference: A320052
Your Reference:
Contact: John Davies
Phone: 02 4428 4139

Ms Danielle Dickson
Acting General Manager
Ryde City Council
Locked Bag 2069
NORTH RYDE NSW 1670

28 MAR 2013

Dear Ms Dickson

I am writing in relation to questions that have been raised about the operation of the new *Model Code of Conduct for Local Councils in NSW* in cases where councils face a possible loss of quorum as a result of compliance with the requirements for the management of significant non-pecuniary conflicts of interests.

Under clause 4.25 of the Model Code, where a majority of councillors are precluded from consideration of a matter because of significant non-pecuniary conflicts of interests, the council must resolve to delegate consideration of the matter to another person where the function in question is a delegable one.

It should be noted that clause 4.19 clearly states that a councillor who has disclosed a significant non-pecuniary conflict of interests in a matter may still participate in a decision to delegate the matter.

Where the function is one that cannot be delegated by the Council under section 377 of the *Local Government Act 1993*, councillors may apply to the Chief Executive of the Division of Local Government for an exemption from compliance with requirements for the management of a significant non-pecuniary conflict of interests. However such an exemption will only be granted where compliance with the requirement will result in the loss of a quorum and the matter relates to a function of the council that cannot be delegated under section 377.

I understand questions have also been raised about whether councillors can participate in a decision to approve a policy on the payment of expenses and provision of facilities for the Mayor and other councillors where they may have a pecuniary interest in the matter.

T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E dlg@dlg.nsw.gov.au W www.dlg.nsw.gov.au ABN 99 567 863 195



ITEM 1 (continued)

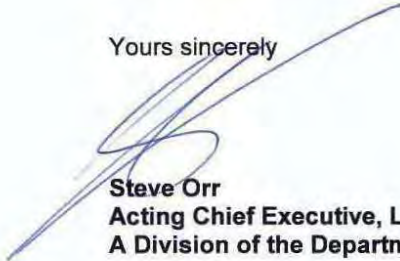
ATTACHMENT 1

2

Section 448(k) and (l) exempts councillors from a requirement to disclose a pecuniary interest in relation to the payment of fees and expenses to councillors (including the Mayor and Deputy Mayor) and the provision of facilities.

I hope that this information will serve to clarify the situation and will address the concerns expressed by councillors in relation to these matters.

Yours sincerely



Steve Orr
Acting Chief Executive, Local Government
A Division of the Department of Premier and Cabinet

2 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 27 March 2013

Report prepared by: Section Manager - Governance
File No.: CLM/13/1/4/2 - BP13/491

REPORT SUMMARY

In accordance with Council's Code of Meeting Practice, a motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

RECOMMENDATION:

That the Minutes of the Extraordinary Council Meeting 6/13, held on 27 March 2013 be confirmed.

ATTACHMENTS

- 1** Minutes - Extraordinary Council Meeting - 27 March 2013

ITEM 2 (continued)

ATTACHMENT 1

**Extraordinary Council Meeting
MINUTES OF MEETING NO. 6/13**

Meeting Date: Wednesday 27 March 2013

Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde

Time: 7.30pm

The Acting General Manager, Danielle Dickson opened the meeting at 7.30pm and adjourned the meeting as no Councillors were present.

ADJOURNMENT

In accordance with Clause 4.2.4 of the Code of Meeting Practice, The Acting General Manager, Danielle Dickson adjourned the Extraordinary Council Meeting as a quorum was not present, the time being 7.33pm. The Extraordinary Council Meeting was adjourned to:

Wednesday, 3 April 2013 at 7.30pm in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

Apologies: Councillors Etmekdjian, Laxale and Simon.

Leave of Absence: The Mayor, Councillor Petch and Councillors Li and Perram.

Absent: Councillors Chung, Maggio, Pendleton, Pickering, Salvestro-Martin and Yedelian OAM.

Staff Present: Acting General Manager, Group Manager - Corporate Services, General Counsel and Section Manager - Governance.

MEETING RECONVENED

The Acting General Manager reconvened the meeting at 7.30pm on Wednesday, 3 April 2013 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

Councillors Chung, Etmekdjian, Maggio, Pendleton, Pickering and Yedelian OAM.

Apologies: Councillors Laxale, Li and Simon.

Leave of Absence: The Mayor, Councillor Petch and Councillor Perram.

Absent: Councillor Salvestro-Martin.

Staff Present: Acting General Manager, Group Manager - Corporate Services, General Counsel and Section Manager - Governance.

ITEM 2 (continued)

ATTACHMENT 1

As no quorum was present, the Acting General Manager, Danielle Dickson adjourned the meeting.

ADJOURNMENT

In accordance with Clause 4.2.4 of the Code of Meeting Practice, The Acting General Manager, Danielle Dickson adjourned the Extraordinary Council Meeting as a quorum was not present, the time being 7.30pm. The Extraordinary Council Meeting was adjourned to:

Wednesday, 3 April 2013 at 7.45pm in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

Councillors Chung, Etmekdjian, Maggio, Pendleton, Pickering and Yedelian OAM.

Apologies: Councillors Laxale, Li and Simon.

Leave of Absence: The Mayor, Councillor Petch and Councillor Perram.

Absent: Councillor Salvestro-Martin.

Staff Present: Acting General Manager, Group Manager - Corporate Services, General Counsel and Section Manager - Governance.

Note: The Group Manager – Corporate Services left the meeting to contact Councillor Salvestro-Martin to see if he would be attending the Extraordinary Meeting. After speaking with Councillor Salvestro-Martin, the Group Manager – Corporate Services returned to the meeting and advised that Councillor Salvestro-Martin would not be attending the meeting.

MEETING RECONVENED

The Acting General Manager reconvened the meeting at 7.38pm on Wednesday, 3 April 2013 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

Councillors Chung, Etmekdjian, Maggio, Pendleton, Pickering and Yedelian OAM.

Apologies: Councillors Laxale, Li and Simon.

Leave of Absence: The Mayor, Councillor Petch and Councillor Perram.

Absent: Councillor Salvestro-Martin.

Staff Present: Acting General Manager, Group Manager - Corporate Services, General Counsel and Section Manager - Governance.

ITEM 2 (continued)

ATTACHMENT 1

As no quorum was present, the Acting General Manager, Danielle Dickson adjourned the meeting.

ADJOURNMENT

In accordance with Clause 4.2.4 of the Code of Meeting Practice, The Acting General Manager, Danielle Dickson adjourned the Extraordinary Council Meeting as a quorum was not present, the time being 7.38pm. The Extraordinary Council Meeting was adjourned to:

Tuesday, 9 April 2013 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde to commence following the conclusion of the Reconvened Council Meeting of 26 March 2013 and the Ordinary Council Meeting of 9 April 2013.

The following Councillors were present:

Councillors Chung, Etmekdjian, Maggio, Pendleton, Pickering and Yedelian OAM.

Apologies: Councillors Laxale, Li and Simon.

Leave of Absence: The Mayor, Councillor Petch and Councillor Perram.

Absent: Councillor Salvestro-Martin.

MEETING RECONVENED

The meeting reconvened at 10.26 pm on Tuesday, 9 April 2013 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

Apologies: Nil.

Staff Present: Acting General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment and Planning, Acting Group Manager – Public Works, General Counsel, Manager – Communications and Media, Section Manager – Governance and Councillor Support Coordinator.

DISCLOSURES OF INTEREST

The Mayor, Councillor Petch disclosed a Pecuniary Interest in Confidential Item 1 - Supreme Court Proceedings - Legal Advice for the reason that he is a defendant in a court case actions.

Councillor Laxale disclosed a Significant Non-Pecuniary Interest in Confidential Item 1 - Supreme Court Proceedings - Legal Advice for the reason that he has a relationship with former Councillor Butterworth.

ITEM 2 (continued)

ATTACHMENT 1

Councillor Simon disclosed a Significant Non-Pecuniary Interest in Confidential Item 1 - Supreme Court Proceedings - Legal Advice for the reason that he is friends with people subject to the proceedings.

Councillor Perram disclosed a Pecuniary Interest in Confidential Item 1 - Supreme Court Proceedings - Legal Advice for the reason that he is a defendant in Supreme Court Proceedings for which costs have yet to be determined.

Councillor Salvestro-Martin disclosed a Significant Non-Pecuniary Interest in Confidential Item 1 - Supreme Court Proceedings - Legal Advice for the reason that he is a listed person.

Councillor Li disclosed a Pecuniary Interest in Confidential Item 1 - Supreme Court Proceedings - Legal Advice for the reason that he is a defendant in these proceedings

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

Note: Alan Patrick was called to address Council, however was not present in the Chamber.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

LEAVE OF ABSENCE

Councillor Yedelian OAM requested a Leave of Absence for Tuesday, 23 April 2013.

RESOLUTION: (Moved by Councillors Yedelian OAM and Etmekdjian)

That Councillor Yedelian OAM's Leave of Absence for Tuesday, 23 April 2013 be approved.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillor Maggio

ITEM 2 (continued)

ATTACHMENT 1

NOTICES OF MOTION

1 DEFERRED NOTICE OF MOTION: LEGAL COSTS FOR THE SUPREME COURT INJUNCTION - Councillor Bill Pickering

Note: This Notice of Motion was formally **WITHDRAWN** by Councillor Pickering.

1 SUPREME COURT PROCEEDINGS – LEGAL ADVICE

Note: The General Counsel had provided written advice to Councillors on Tuesday 2 April 2013 in respect of this matter and the ability of all Councillors to participate in considering and voting on this matter, to delegate this matter to the Acting General Manager. The Division of Local Government also provided advice on this matter, dated 28 March 2013. Copies of both advices are attached to the Minutes.

Note: The General Counsel at the meeting, verbally confirmed his advice to Councillors that all Councillors could participate in the discussion and voting on the matter on the basis that Council delegates this matter to the Acting General Manager.

Note: The Mayor, Councillor Petch disclosed a Pecuniary Interest in this Item for the reason that he is a defendant in a court case actions.

Note: Councillor Laxale disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he has a relationship with former Councillor Butterworth.

Note: Councillor Simon disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he is friends with people subject to the proceedings.

Note: Councillor Perram disclosed a Pecuniary Interest in this Item for the reason that he is a defendant in Supreme Court Proceedings for which costs have yet to be determined.

Note: Councillor Salvestro-Martin disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he is a listed person.

Note: Councillor Li disclosed a Pecuniary Interest in this Item for the reason that he is a defendant in these proceedings.

RESOLUTION: (Moved by Councillors Simon and Pickering)

- (a) That Council delegate the Supreme Court Proceedings matter to Council's Acting General Manager, Danielle Dickson.
- (b) That the Acting General Manager provide updates at appropriate milestones of the process that only cover progress of the matter.

Record of Voting:

For the Motion: Unanimous

ITEM 2 (continued)

ATTACHMENT 1

NATIONAL ANTHEM

The National Anthem was sung at the conclusion of the meeting.

The meeting closed at 10.32pm on 9 April 2013.

CONFIRMED THIS 23RD DAY OF APRIL 2013

Chairperson

Note: In Council's consideration of the Supreme Court Proceedings Matter, the advice to Councillors from Council's General Counsel, Bruce McCann and the Division of Local Government, is attached to these Minutes.

ITEM 2 (continued)

ATTACHMENT 1

From: Carol Mikaelian **On Behalf Of** Desk Help (Councillors Helpdesk)
Sent: Tuesday, 2 April 2013 4:01 PM
To: DL Councillors
Cc: Roy Newsome
Subject: Supreme Court proceedings and Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy
Importance: High

Dear Councillors

On 26 March 2013 I provided Council's Group Manager-Corporate Services, Roy Newsome with written advice on how Council could overcome a potential loss of quorum at meetings where a number of Councillors might declare either a **pecuniary or significant non-pecuniary** interest with respect to the costs issue in the Supreme Court Proceedings. A copy of that advice is attached for the information of Councillors.

Advice was also sought from the Division of Local Government about the operation of the new Model Code of Conduct where Council faced a possible loss of quorum as a result of compliance with the requirements for the management of **significant non-pecuniary** conflicts of interest.


The Division's response also deals with the ability of "conflicted" Councillors to participate in a decision to approve a policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors. A copy of the Division's letter dated 28 March 2013 is attached for the information of Councillors.

Sincerely

Bruce McCann | General Counsel | Public Officer
P: (02) 9952 8080 | **F:** (02) 9952 8088
E: bmccann@ryde.nsw.gov.au | www.ryde.nsw.gov.au

Sent via,

COUNCILLORS' HELP DESK
P: 9952 8200 | **E:** helpdesk@ryde.nsw.gov.au | www.ryde.nsw.gov.au

 City of Ryde

Lifestyle and opportunity @ your doorstep

This Email is privileged and confidential. If you are not the intended recipient please delete the message and notify the sender. The use, copying or distribution of this message or any information it contains, by anyone other than the intended recipient is prohibited. Unless stated otherwise, this email represents only the views of the sender and not the views of the City of Ryde. Please note: information provided to Council in correspondence may be made publicly available, in accordance with the Government Information Public Access Act (GIPA Act) 2009.

ITEM 2 (continued)

ATTACHMENT 1



Lifestyle and opportunity
@ your doorstep

MEMORANDUM

To: Roy Newsome – Group Manager Corporate Services
From: Bruce McCann – General Counsel / Public Officer
Date: 26 March 2013
Subject: Supreme Court Proceedings – Costs Issue and Conflicts of Interest

Roy

I note from the Mayor's email to you of 25 March 2013 that there are now six (6) Councillors who propose to declare a pecuniary interest that would disqualify them from participating in any meeting of Council to discuss the issue of costs in the Supreme Court Proceedings.

The inability of the six (6) Councillors to participate in the scheduled Extra Ordinary Meeting of Council on Wednesday 27 March 2013 would have the effect of rendering that meeting inquorate. I note the Mayor's advice that four (4) Councillors, including himself, have a direct pecuniary interest. These would be the defendant Councillors. The Mayor indicates there are another two (2) Councillors who have declared a pecuniary interest. If in fact those two (2) other Councillors who were not directly involved in the Supreme Court Proceedings have or will declare a pecuniary interest, then it would be in order for the Acting General Manager to write to the Minister of Local Government seeking the Minister's Consent under Section 458 of the Local Government Act for them to participate in and vote on the matter.

If at the Extra Ordinary meeting the two (2) non defendant Councillors declare a non pecuniary interest then Section 458 of the Act cannot be relied upon as the section only relates to "pecuniary" interests.

Councils Code of Conduct specifically caters for this scenario where there is a loss of quorum as a result of compliance with the Conflict of Interest provisions of the Code. The relevant extract of the Code, states:-

Part 4 Conflict of Interests

Loss of Quorum as a result of compliance with this Part

- 4.25 Where a majority of councillors are precluded under this Part from consideration of a matter the Council or committee must resolve to delegate consideration of the matter in question to another person.
- 4.26 Where a majority of Councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non –pecuniary conflict of Interests.

ITEM 2 (continued)

ATTACHMENT 1

- 4.27 The Chief Executive will only exempt a Councillor from complying with a requirement under this Part where:
- a) compliance by Councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
 - b) the matter relates to the exercise of a function of the Council that may not be delegated under Section 377 of the Act.

The function of instructing Maddocks can be delegated to the Acting General Manger under Section 377 of the Act and for this reason the Chief Executive would not grant an exemption under Clause 4.26.

My advice therefore in all the circumstances is that the full Council at the Extraordinary Meeting scheduled for 27 March 2013 could and should resolve to delegate the function of instructing Maddocks Lawyers on behalf of Council, to the Acting General Manger. Clause 4.25 of the Code provides for the matter to be delegated.

Further, it is my view that all Councillors could participate in an appropriately worded resolution delegating authority to the Acting General Manager for the reason that the Council would not be resolving how the Acting General Manger should instruct Maddocks lawyers, but rather that she should instruct them.

I trust the foregoing is of assistance and I invite further inquiry if deemed necessary.

Yours sincerely



Bruce McCann
General Counsel / Public Officer

ITEM 2 (continued)

ATTACHMENT 1

PART 4 CONFLICT OF INTERESTS

- 4.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 4.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 4.3 Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 4.4 Private interests can be of two types: pecuniary or non-pecuniary.

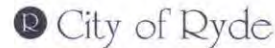
What is a pecuniary interest?

- 4.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. (section 442)
- 4.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. (section 443)
- 4.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
 - a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (section 449)
 - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (section 451)
 - c) designated persons immediately declare, in writing, any pecuniary interest. (section 459)
- 4.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 4.9 Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

Code of Conduct 2013 – City of Ryde – Standards of Conduct		
Owner: Governance Service Unit	Accountability: Manager, Governance	Policy Number: # Provided by: Governance
Trim Reference: D13/7214	Review date: 1 March 2014	Endorsed: Council – 19 February 2013

ITEM 2 (continued)

ATTACHMENT 1



Lifestyle and opportunity
@ your doorstep

What are non-pecuniary interests?

4.10 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

4.11 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

4.12 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

4.13 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.12.

4.14 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

4.15 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:

- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
- b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

4.16 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
- b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

4.17 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

Code of Conduct 2013 – City of Ryde – Standards of Conduct		
Owner: Governance Service Unit	Accountability: Manager, Governance	Policy Number: # <i>Provided by Governance</i>
Trim Reference: D13/7214	Review date: 1 March 2014	Endorsed: Council – 19 February 2013

ITEM 2 (continued)

ATTACHMENT 1

- 4.18 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 4.19 Despite clause 4.16(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff through the general manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.16(b) above.

Reportable political donations

- 4.20 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
- 4.21 Where a councillor has received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) where the major political donor has a matter before council,
- then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 4.16(b).
- 4.22 For the purposes of this Part:
- a) a "reportable political donation" is a "reportable political donation" for the purposes of section 86 of the *Election Funding, Expenditure and Disclosures Act 1981*,
 - b) a "major political donor" is a "major political donor" for the purposes of section 84 of the *Election Funding, Expenditure and Disclosures Act 1981*.
- 4.23 Councillors should note that political donations below \$1,000, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.
- 4.24 If a councillor has received or knowingly benefitted from a reportable political donation of the kind referred to in clause 4.21, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff through the general manager or appointing another person or body to make the decision in accordance with the law (see clause 4.19 above).

Loss of quorum as a result of compliance with this Part

- 4.25 Where a majority of councillors are precluded under this Part from consideration of a matter the council or committee must resolve to delegate consideration of the matter in question to another person.

Code of Conduct 2013 – City of Ryde – Standards of Conduct		
Owner: Governance Service Unit	Accountability: Manager, Governance	Policy Number: # <i>Provided by Governance</i>
Trim Reference: D13/7214	Review date: 1 March 2014	Endorsed: Council – 19 February 2013

ITEM 2 (continued)

ATTACHMENT 1

- 4.26 Where a majority of councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.
- 4.27 The Chief Executive will only exempt a councillor from complying with a requirement under this Part where:
- a) compliance by councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
 - b) the matter relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.
- 4.28 Where the Chief Executive exempts a councillor from complying with a requirement under this Part, the councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.
- 4.29 A councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:
- a) the matter is a proposal relating to
 - i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and
 - b) the councillor declares any interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

Other business or employment

- 4.30 If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (section 353)
- 4.31 As a member of staff, you must ensure that any outside employment or business you engage in will not:
- a) conflict with your official duties
 - b) involve using confidential information or council resources obtained through your work with the council
 - c) require you to work while on council duty
 - d) discredit or disadvantage the council.

Code of Conduct 2013 – City of Ryde – Standards of Conduct		
Owner: Governance Service Unit	Accountability: Manager, Governance	Policy Number: # <i>Provided by Governance</i>
Trim Reference: D13/7214	Review date: 1 March 2014	Endorsed: Council – 19 February 2013

ITEM 2 (continued)

ATTACHMENT 1



Premier & Cabinet
Division of Local Government

5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

Our Reference: A320052
Your Reference:
Contact: John Davies
Phone: 02 4428 4139

Ms Danielle Dickson
Acting General Manager
Ryde City Council
Locked Bag 2069
NORTH RYDE NSW 1670

28 MAR 2013

Dear Ms Dickson

I am writing in relation to questions that have been raised about the operation of the new *Model Code of Conduct for Local Councils in NSW* in cases where councils face a possible loss of quorum as a result of compliance with the requirements for the management of significant non-pecuniary conflicts of interests.

Under clause 4.25 of the Model Code, where a majority of councillors are precluded from consideration of a matter because of significant non-pecuniary conflicts of interests, the council must resolve to delegate consideration of the matter to another person where the function in question is a delegable one.

It should be noted that clause 4.19 clearly states that a councillor who has disclosed a significant non-pecuniary conflict of interests in a matter may still participate in a decision to delegate the matter.

Where the function is one that cannot be delegated by the Council under section 377 of the *Local Government Act 1993*, councillors may apply to the Chief Executive of the Division of Local Government for an exemption from compliance with requirements for the management of a significant non-pecuniary conflict of interests. However such an exemption will only be granted where compliance with the requirement will result in the loss of a quorum and the matter relates to a function of the council that cannot be delegated under section 377.

I understand questions have also been raised about whether councillors can participate in a decision to approve a policy on the payment of expenses and provision of facilities for the Mayor and other councillors where they may have a pecuniary interest in the matter.

T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E dlg@dlg.nsw.gov.au W www.dlg.nsw.gov.au ABN 99 567 863 195



ITEM 2 (continued)

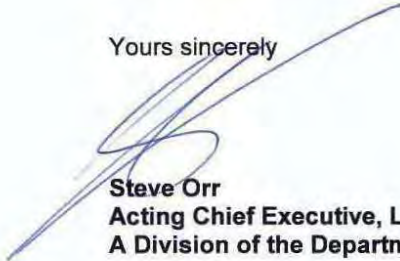
ATTACHMENT 1

2

Section 448(k) and (l) exempts councillors from a requirement to disclose a pecuniary interest in relation to the payment of fees and expenses to councillors (including the Mayor and Deputy Mayor) and the provision of facilities.

I hope that this information will serve to clarify the situation and will address the concerns expressed by councillors in relation to these matters.

Yours sincerely



Steve Orr
Acting Chief Executive, Local Government
A Division of the Department of Premier and Cabinet

3 CONFIRMATION OF MINUTES - Council Meeting held on 9 April 2013

Report prepared by: Section Manager - Governance

File No.: CLM/13/1/4/2 - BP13/60

REPORT SUMMARY

In accordance with Council's Code of Meeting Practice, a motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

RECOMMENDATION:

That the Minutes of the Council Meeting 7/13, held on 9 April 2013 be confirmed.

ATTACHMENTS

- 1 Minutes - Ordinary Council Meeting - 9 April 2013

ITEM 3 (continued)

ATTACHMENT 1

Council Meeting
MINUTES OF MEETING NO. 7/13

Meeting Date: Tuesday 9 April 2013
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: Meeting commenced at 8.05 pm following the conclusion of the Reconvened Council Meeting of 26 March 2013

Councillors Present: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

Apologies: Nil.

Staff Present: Acting General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Acting Group Manager - Public Works, General Counsel, Manager – Urban Planning, Manager – Communications and Media, Section Manager - Governance and Councillor Support Coordinator.

PRAYER

The Acting General Manager, Danielle Dickson offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in Item 7 - Community Grants Program- Allocation of Funds 2012-13 for the reason that he is a board member on one of the organisations who applied for a grant.

Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in Item 7 - Community Grants Program- Allocation of Funds 2012-13 for the reason that he is affiliated with many community groups in the Community Grants Programs.

TABLING OF PETITIONS

No Petitions were tabled.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Tod Anderson	Item 1(2) – 6 Clare Street, Gladesville
Lisa Bella Esposito (representing ALH Group Pty Ltd)	Item 3 – Planning Proposal – 108 Herring Road, Marsfield – Public Consultation

ITEM 3 (continued)

ATTACHMENT 1

Kim Phillips	Notice of Motion 5 – Centenary of Anzac and Commemorative of World War 1 Committee
Bernard Cox (representing Ryde District RSL Sub Branch)	Notice of Motion 5 – Centenary of Anzac and Commemorative of World War 1 Committee

Note: Jennie Minifie (representing Ryde Community Alliance) was called to address Council, however was not present in the Chamber.

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

That the late request to address Council on Items Listed on the Agenda be allowed to address the meeting at this time.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:

Will Dwyer (representing Goodman Group)	Item 4 – Macquarie Park Review of Planning Controls (Ryde LEP Amendment 1)
---	---

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

MAYORAL MINUTES

There were no Mayoral Minutes.

COUNCIL REPORTS

1 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 5/13 held on 2 April 2013

RESOLUTION: (Moved by Councillors Simon and Maggio)

That Council determine Item 2 of the Planning and Environment Committee report, noting that Items 1 and 3 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

ITEM 3 (continued)

ATTACHMENT 1

6 CLARE STREET, GLADESVILLE. LOT 15 DP 7560. Section 96 application to delete condition of consent for new driveway and parking bay (Condition 49). MOD2012/0196.

Note: Tod Anderson addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Simon and Maggio)

That the Section 96 Modification No. MOD2012/0196 at 6 Clare Street, Gladesville, being LOT 15 DP 7560, be approved as follows:-

Condition 49 is amended to read:

49. On-going maintenance and Restriction on Title

The elevated driveway across the unformed portion of Clare Street shall be constructed and permanently maintained to the standards required by the consent.

This requirement excludes public domain works associated with the consent being; new gutter crossing, any other kerb and gutter work in Clare Street, and the path and steps to Glades Bay Park.

The submission of documentary evidence that a restriction on the Property Title has been created and registered in the office of NSW Land and Property Information, prior to the approval of any Occupation Certificate, to the effect that the current and future property owners shall be required to maintain the elevated driveway as shown on the Approved Plans (Condition 1) to the standards required by this consent.

Record of Voting:

For the Motion: Unanimous

2 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 4/13 held on 2 April 2013

RESOLUTION: (Moved by Councillors Laxale and Pickering)

That Council note that all items of the Works and Community Committee meeting 4/13 held on 2 April 2013 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

ITEM 3 (continued)

ATTACHMENT 1

3 PLANNING PROPOSAL 108 HERRING ROAD MARSFIELD - PUBLIC CONSULTATION

Note: Lisa Bella Esposito (representing ALH Group Pty Ltd) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

- (a) That Council endorse the planning proposal for 108 Herring Road Marsfield following the community consultation process.
- (b) That Council forward to the Department of Planning and Infrastructure the planning proposal for 108 Herring Road Marsfield requesting that the Minister make and finalise an amendment to Ryde Local Environmental Plan 2010 to rezone land at 108 Herring Road, Marsfield from zone R2 Low Density Residential to zone B1 Neighbourhood Centre and include 'hotel or motel accommodation' as an additional permitted use on the site within Schedule 1 of the Plan.
- (c) That as such time as a development application might be lodged on this site in accordance with the rezoning that serious consideration be given to such measures that might ameliorate any resulting traffic impacts.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Simon and Yedelian OAM

Against the Motion: Councillor Salvestro-Martin

4 MACQUARIE PARK REVIEW OF PLANNING CONTROLS (RYDE LEP AMENDMENT 1)

Note: Will Dwyer (representing Goodman Group) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Chung and Yedelian OAM)

- (a) That Council place the Macquarie Park Corridor Planning Proposal as displayed to Councillors including the Herring Road Precinct, on community consultation for a minimum period of 28 days.
- (b) That the outcomes of community consultation are reported to Council as soon as practicable after the exhibition period.
- (c) That Council undertake and report back to Councillors a risk analysis that meets the Standards Australia AS/NZS ISO 31000.

ITEM 3 (continued)

ATTACHMENT 1

- (d) That Council pursue the same outcomes proposed for the rest of Macquarie Park in respect of Height and FSR in the Herring Road UAP.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillor Pickering

5 GATEWAY DETERMINATION FOR PLANNING PROPOSAL - 461-495 Victoria Road, Gladesville

RESOLUTION: (Moved by Councillors Perram and Yedelian OAM)

- (a) That Council endorse amendments to the planning proposal to for 461-495 Victoria Road, Gladesville to change the zone of land from IN2 Light Industrial to B5 Business Development and to delete Clause 4 Schedule 1 *Additional Permitted Uses* relating to the use of Building H (on the site) for business and office premises under Ryde Local Environmental Plan 2010.
- (b) That Council proceed to community consultation and public exhibition of the planning proposal in accordance with the gateway determination issued 1 March 2013 and the communication plan identified in this report.
- (c) That Council advise the Department of Planning and Infrastructure of its decision in response to the gateway determination issued 1 March 2013 for 461-495 Victoria Road, Gladesville.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillor Maggio

6 CIVIC CENTRE - MAINTENANCE SCHEDULE - 2013-2018

Note: Councillor Laxale left the meeting at 9.00pm and was not present for voting on this Item.

RESOLUTION: (Moved by Councillors Li and Salvestro-Martin)

That Council defer the matter for a Councillor Workshop.

ITEM 3 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Li, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin and Yedelian OAM

Against the Motion: Councillor Simon

Note: Councillor Laxale returned to the meeting at 9.02pm.

7 COMMUNITY GRANTS PROGRAM- Allocation of Funds 2012-13

Note: Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is a board member on one of the organisations who applied for a grant.

Note: Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is affiliated with many community groups in the Community Grants Programs.

Note: Councillors Yedelian OAM left the meeting at 9.02pm and was not present for consideration or voting on this Item.

Note: Councillor Maggio left the meeting at 9.02 pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Chung and Li)

- a) That Council endorse the allocation of the 2012-2013 City of Ryde **Sport Grant Category** as follows:

Organisation	Project Name	Amount
New South Wales Flying Disc Association	Ultimate Conversation	\$2,000
Ryde Hunters Hill Cricket Club	Holiday Clinic	\$3,500
Eastwood Ryde Netball Association	Net Set Go	\$3,500
	Total	\$9,000

- b) That Council endorse the allocation of the 2012-2013 City of Ryde **Cultural Grant Category** as follows:

Organisation	Project Name	Amount
Armenian Relief Society ARAZ Chapter	An artistic approach to women's emotional wellbeing through stressful lifestyle.	\$1,000
St Kevin's School Band Inc	St Kevin's School Band - To Help Transport Our Bands To Community Events	\$1,200
Sydney Korean Women's Association	" Keep Korean Culture"	\$1,750

ITEM 3 (continued)
ATTACHMENT 1

Australian Korean Welfare Association	Wheat Saturday School	\$3,000
Communities for Communities	Fork N Art In The Park	\$3,500
Christian Community Aid Community & Adult Education	Food for thought: studies on cooking and cultures	\$3,500
Cornucopia Art Group	Face Look	\$3,500
Eastwood Patchwork Quilters Inc.	Eastwood Patchwork Quilters Inc. 2013 Biennial Exhibition	\$3,500
No 47 Community Home - Salvation Army Ryde	Film School	\$3,500
	Total	\$24,450

- c) That Council endorse the allocation of the 2012-13 City of Ryde **Community Grant Category** as follows:

Organisation	Project Name	Amount
Alzheimer's Australia Nsw	DVD Collection	\$3,500
Armenian Relief Society Araz Chapter	Interaction and Multicultural Day	\$1,000
Armenian Relief Society Araz Chapter	Seniors gathering fortnightly for social interaction	\$3,500
Australian Korean Welfare Association	The East meets the West	\$3,500
Banksia Cottage - U@Mq Ltd	Maintaining Cultural Identity	\$3,500
Calvary Retirement Community Ryde	Resident Engagement Project	\$3,480
Catholic Healthcare Limited	Korean Day Centre	\$2,500
Communities For Communities	Ryde Rollercoaster Run	\$2,000
Constant Companion	Provision of Personal Alarm	\$3,300
Eastwood Chinese Senior Citizens Club	Celebration of the 22nd Anniversary of Eastwood Chinese Seniors Citizens Club	\$1,000
Indonesian Welfare Association Inc	"Healthy & Active Life through Dance"	\$3,500
Italian Women's Group Marsfield	Health Promotion Initiatives	\$500
Italo-Australian Senior Citizens Group	The Italo-Australian Senior Citizens Group	\$2,000
Ivanhoe Estate Tenant Group	Ivanhoe Estate Community Room Activity	\$3,500
Kent Road Public School P And C Association	Kent Road's Kitchen Rules	\$3,500
Korean Cockatoos	Better Understanding, Better Life	\$3,500
Lions Club Of Epping-Eastwood Inc.	Lions Club Youth of the Year Quest	\$600
Lupus Association Of NSW Inc	Lupus Resources Room	\$3,500
Meadowbank Chinese Neighbourhood Centre Inc.	Strengthening confidence Managing Group	\$3,500
No 47 Community Home - Salvation Army Ryde	Playtime in the Park	\$3,000
No 47 Community Home, Salvation Army, Ryde	Cafe 47	\$3,500
No 47 Community Home, Salvation Army, Ryde	Youth diversion therapy	\$3,500
No 47 Community Home, Salvation Army, Ryde	Study Shed	\$3,500

ITEM 3 (continued)

ATTACHMENT 1

Playgroup NSW	Meadowbank Munchkins Playgroup Initiative	\$2,000
Putney Public School Parents And Citizens Association	Ride2School - Bike and Scooter racks	\$3,500
Reach Community Initiatives	Moving Through Loss & Grief: What to Expect in the First Year	\$1,146
Reach Community Initiatives	Moving Out of Depression	\$1,940
Ryde Community Hub (Good Beginnings Australia)	Bringing Toddler talks to Ryde	\$2,970
Ryde Family Support Service (Auspice)	Feel Young & Chat About Art Group - 50+	\$3,000
Ryde Hunters Hill Community Transport	Servicing CALD clients in the Ryde community	\$2,000
Ryde Multicultural Centre Inc.	Life starts over 60	\$3,500
Ryde Public School	Ryde Public School Welfare Program	\$3,500
Ryde Regional Radio Co-Operative	New Korean Program On 2RRR Radio	\$1,600
St Andrews Socio-Religious Justice, Harmony Of FITA Inc.	"Prepare before the Global Warming Tipping Point"	\$3,500
St Catherine's Aged Care Services	Enriching St Catherine's through Chinese culture and harmony	\$800
Sydney Korean Women's Association	" Help Hands "	\$3,500
	Total	\$97,836

- (d) That the successful and unsuccessful grant applicants be informed in writing of the outcome of their applications.
- (e) That a Councillors working party of all interested Councillors be established to provide input into the proposed review the Community Grants Policy including providing key parameters for the draft and the matter be reported back with recommendations by August 2013 to allow the new policy to be in place prior to the commencement of the advertising for the 2013 Grants Program.
- (f) That any Councillor wishing to be on the working party to lodge their expression of interest with the Acting General Manager by 22 April 2013.
- (g) That the unallocated funds from the 2012/13 allocation for Community Grants be carried over to the same grant category and placed in a reserve to increase the 2013/14 Community Grants allocation.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Yedelian OAM returned to the meeting at 9.22pm.

Note: Councillor Maggio returned to the meeting at 9.22pm.

ITEM 3 (continued)

ATTACHMENT 1

8 LOCAL GOVERNMENT MANAGERS AUSTRALIA NATIONAL CONGRESS & BUSINESS EXPO - Hobart - 19 to 22 May 2013

Note: Councillor Li left meeting 9.22pm and was not present for voting on this Item.

RESOLUTION: (Moved by The Mayor, Councillor Petch and Councillor Perram)

That this report be received and noted.

Record of Voting:

For the Motion: Unanimous

9 RYDE WHARF RECOMMENDATIONS OF HERITAGE ADVISORY COMMITTEE

Note: Councillor Li was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Simon and Pendleton)

That Council not proceed with obtaining specifications and cost estimates for the upgrade of Ryde Wharf to accommodate larger vessels because nearby Meadowbank Wharf is purpose designed for larger vessels, available for use and provides better amenities for passengers including disabled access.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Maggio, Pendleton, Perram, Pickering, Simon and Yedelian OAM

Against the Motion: Councillor Salvestro-Martin

10 HERITAGE ADVISORY COMMITTEE TERMS OF REFERENCE

Note: Councillor Li was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Pendleton)

That Council confirms the **ATTACHED** Terms of Reference 2013 for Ryde Heritage Advisory Committee.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Li returned to the meeting at 9.24pm.

ITEM 3 (continued)

ATTACHMENT 1

11 CHANGES TO FEES & CHARGES - TREES AND PLAQUES

RESOLUTION: (Moved by Councillors Simon and Yedelian OAM)

That Council adopt the changes to the fees and charges relating to trees and plaques in its 2012/13 Schedule of Fees and Charges.

Record of Voting:

For the Motion: Unanimous

12 REQUEST FOR TENDER - COR-RFT-25/12 - Courier Service Tender

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

That Council defer the consideration of this matter and report back to Council on the cost benefit of moving this service in house to be undertaken by Council staff.

Record of Voting:

For the Motion: Unanimous

LATE ITEMS

13 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - 16 to 19 June 2013

RESOLUTION: (Moved by Councillors Yedelian OAM and Perram)

That Council support the attendance of the Mayor, Councillor Petch and the Acting General Manager to attend the National General Assembly of Local Government held in Canberra from Sunday, 16 June to Wednesday, 19 June 2013.

Record of Voting:

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 INDEPENDENT COMMISSION AGAINST CORRUPTION

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

That the correspondence be received and noted.

ITEM 3 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

2 LOCAL GOVERNMENT AMENDMENT (EARLY INTERVENTION) BILL

RESOLUTION: (Moved by Councillors Pickering and Maggio)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

3 UPDATE FROM INTERIM BOARD - LOCAL GOVERNMENT NSW

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

4 LEGAL LIABILITY - USE OF SEA LEVEL RISE PROJECTION DATA

Note: Councillor Salvestro-Martin left the meeting at 9.30pm and was not present for voting on this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Perram)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Salvestro-Martin returned to the meeting at 9.31pm.

ITEM 3 (continued)

ATTACHMENT 1

NOTICES OF MOTION

1 DRAFT METROPOLITAN STRATEGY - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That Council write to the Planning Minister, Brad Hazard inviting a major community forum to be held in the City of Ryde to discuss the draft Metropolitan Strategy and any impacts on the future of our city; and
- (b) Subject to the Minister's agreement to this request, the City of Ryde extend an invitation to all of our community and action groups to attend the forum and present their views to the Minister.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering and Yedelian OAM

Against the Motion: Councillors Salvestro-Martin and Simon

2 REHABILITATION/RESURFACING PROGRAM IN THE CAPITAL WORKS PROGRAM - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That the Acting General Manager and Senior Council Officers provide Council a report to a future Council Meeting, on the current actions of the Council towards a Rehabilitation/Resurfacing Program in the Capital Works Program next financial year to formalise and resurface all unformed car park areas in Ryde including any pedestrian links to the sports fields.

Record of Voting:

For the Motion: Unanimous

3 SKATE BOARD PARK - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That the matter of the Skateboard Park be referred to the Sports Advisory Committee for consideration and to determine its priority.

Record of Voting:

For the Motion: Unanimous

ITEM 3 (continued)

ATTACHMENT 1

4 INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL'S DISCUSSION PAPER - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

That the Acting General Manager convene a Councillor workshop as soon as practically possible following receipt of the Independent Local Government Review Panel's Discussion Paper (due late April 2013), in order to consider Council's response.

Record of Voting:

For the Motion: Unanimous

5 CENTENARY OF ANZAC AND COMMEMORATION OF WORLD WAR 1 COMMITTEE - Councillor Jerome Laxale

Note: Kim Phillips and Bernard Cox (representing Ryde District RSL Sub Branch) addressed the meeting in relation to this Item.

Note: Documentation was provided by Councillor Maggio and was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Laxale and Yedelian OAM)

1. That Ryde Council establish a Centenary of Anzac committee to provide our city a coordinated approach to Centenary of Anzac celebrations due to commence in 2014.
2. That Council staff prepare draft Terms of Reference that would include at least the following representation:
 - (a) Local RSL/Ex-Services Clubs
 - (b) Ryde Historical Society
 - (c) No less than one Councillor
 - (d) Interested members of the community
3. That the committee have a fixed term until 31 December 2018.
4. That Ryde Council prepare a report which explores ways of commemorating the Centenary of Anzac and World War 1 by:
 - (a) the possible erection of memorial site and/or upgrades of existing memorial sites
 - (b) holding other activities such as ceremonial celebrations and educational events that the City may wish to develop to mark the commemoration

ITEM 3 (continued)

ATTACHMENT 1

5. That suitable amounts of funding for Centenary of Anzac and World War 1 commemorations in the City of Ryde be explored, noting that funding of up-to \$100,000 exists under the “Anzac Centenary Grants” federal scheme.
6. That Councillor Laxale be appointed as Chair of the committee and that Council provides support consistent with other committees and that senior staff attend the committee as required.

Record of Voting:

For the Motion: Unanimous

NOTICES OF RESCISSION

There were no Notices of Rescission.

QUESTIONS BY COUNCILLORS AS PER POLICY

There were no Questions by Councillors as per Policy.

The meeting closed at 10.25pm.

CONFIRMED THIS 23RD DAY OF APRIL 2013

Chairperson

4 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 6/13 held on 16 April 2013

Report prepared by: Section Manager - Governance
File No.: CLM/13/1/4/2 - BP13/70

REPORT SUMMARY

Attached are the Minutes of the Planning and Environment Committee Meeting 6/13 held on 16 April 2013. The Minutes will be listed for confirmation at the next Planning and Environment Committee Meeting.

Item 1 was dealt with by the Committee within its delegated powers.

The following Committee recommendations for Items 2, 3 and 4 are submitted to Council for determination in accordance with the delegations set out in Council's Code of Meeting Practice relating to Charters, functions and powers of Committees:

- 2 22 MONS AVENUE, WEST RYDE. LOT 23, Section C, DP 2322. Local Development Application for demolition, construction of a residential flat building with six (6) apartments and basement car parking for eight (8) cars. LDA2012/0454.**

Note: Sinisa Lazarevic (applicant) addressed the Committee in relation to this Item.

Note: A plan was tabled by the applicant in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Maggio and Salvestro-Martin)

- (a) That Local Development Application No. 2012/0454 at 22 Mons Avenue, West Ryde, being LOT 23, Section C, in Deposited Plan 2322 be deferred to give the applicant the opportunity to address the reasons for refusal in the Council Officer's report by exploring the possibilities of site amalgamation and to reduce some of the non-compliances.
- (b) That a further report be presented to Planning and Environment Committee within six months.
- (c) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **23 APRIL 2013** as substantive changes were made to the published recommendation.

ITEM 4 (continued)

3 93-95 VIMIERA ROAD, EASTWOOD. LOT 9 SP 68723. Section 96 application to delete condition of consent requiring compliance with (former) State Environmental Planning Policy No 5 - Housing for Older People or People with Disabilities. MOD2012/122.

Note: Dr Agnes Lau (objector) and Mr Zheng Liu (applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Salvestro-Martin and Yedelian OAM)

- (a) That the Section 96 application MOD2012/0122 to modify Local Development Application No. LDA1999/1609 at 93-95 Vimiera Road Eastwood being LOT 9 SP 68723 be refused for the following reasons;
1. Deletion of the subject condition of consent (condition 2) would lead to a reduction in the amount of housing specifically designed and approved for older people/people with a disability.
 2. The proposed modification is not substantially the same development as the development for which consent was originally granted, and so Council does not have the power to approve the proposed modification.
 3. In the circumstances of the case, approval of the Section 96 application would not be in the public interest.
- (b) That the persons who made submissions be advised of Council's decision.
- (c) That the Manager Health and Building be requested to re-commence enforcement action that will ensure compliance with Condition 2 of Consent No 1999/1609, and that the owners of the property be required to either vacate the premises or take action to ensure that the premises are being occupied in accordance with State Environmental Planning Policy No. 5 within 24 months.
- (d) That the applicant's Section 96 application fee be refunded.

Record of Voting:

For the Motion: Councillors Pendleton, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillor Maggio

Note: This matter will be dealt with at the Council Meeting to be held on **23 APRIL 2013** as dissenting votes were recorded and substantive changes were made to the published recommendation.

ITEM 4 (continued)

4 66A PELLISIER RD, PUTNEY. LOT B DP 419543. Local Development Application for new dual occupancy. LDA2012/0106.

Note: Janet Bailey (objector), Don Bailey (objector on behalf of neighbouring residents) and Peter Hall (applicant) addressed the Committee in relation to this Item.

Note: A document was tabled by Don Bailey (objector) in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Pendleton and Simon)

- (a) That Local Development Application No. 2012/0106 for 66a Pellisier Road be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Councillors Pendleton and Simon

Against the Motion: Councillors Maggio, Salvestro-Martin and Yedelian OAM

Note: This matter will be dealt with at the Council Meeting to be held on **23 APRIL 2013** as dissenting votes were recorded.

ATTACHMENTS

- 1 Minutes - Planning and Environment Committee - 16 April 2013

ITEM 4 (continued)

ATTACHMENT 1

Planning and Environment Committee
MINUTES OF MEETING NO. 6/13

Meeting Date: Tuesday 16 April 2013

Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde

Time: 5.00pm

Councillors Present: Councillors Simon (Chairperson), Maggio, Pendleton, Salvestro-Martin and Yedelian OAM.

Apologies: Nil.

Leave of Absence: Councillor Chung.

Staff Present: Group Manager – Environment and Planning, Service Unit Manager – Assessment, Service Unit Manager – Environmental Health and Building, Team Leader – Assessment, Senior Town Planner, Business Support Coordinator – Environment and Planning, Section Manager - Governance and Councillor Support Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 2 April 2013

RESOLUTION: (Moved by Councillors Yedelian OAM and Pendleton)

That the Minutes of the Planning and Environment Committee 5/13, held on Tuesday 2 April 2013, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

2 22 MONS AVENUE, WEST RYDE. LOT 23, Section C, DP 2322. Local Development Application for demolition, construction of a residential flat building with six (6) apartments and basement car parking for eight (8) cars. LDA2012/0454.

Note: Sinisa Lazarevic (applicant) addressed the Committee in relation to this Item.

Note: A plan was tabled by the applicant in relation to this Item and a copy is ON FILE.

ITEM 4 (continued)

ATTACHMENT 1

MOTION: (Moved by Councillor Pendleton)

- (a) That Local Development Application No. 2012/0454 at 22 Mons Avenue, West Ryde, being LOT 23, Section C, in Deposited Plan 2322 be **REFUSED** for the following reasons:
1. The proposal is contrary to Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives of the R4 High Density Residential Zone in the Ryde Local Environmental Plan 2010.
 - a) The proposal does not ensure that *"the building design does not adversely affect the amenity of the locality"*.
 2. The proposal is contrary to Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the minimum site area requirement under Clause 4.5B of the Ryde Local Environmental Plan 2010.
 - a) Based on the unit mix proposed, the site area has a shortfall of 17.7m².
 - b) The development does not satisfy the criteria outlined in Clause 4.6 of the RLEP.
 3. The proposal is contrary to Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it is inconsistent with the provisions of State Environmental Planning Policy No. 65 – Design Quality for Residential Flat Development.
 - a) The proposal is contrary to Clause 9 Principle 1: Context
 - b) The proposal is contrary to Clause 10 Principle 2: Scale
 - c) The proposal is contrary to Clause 11 Principle 3: Built form
 - d) The proposal is contrary to Clause 12 Principle 4: Density
 - e) The proposal is contrary to Clause 14 Principle 6: Landscape
 - f) The proposal is contrary to Clause 15 Principle 7: Amenity
 - g) The proposal is contrary to Clause 18 Principle 10: Aesthetics
 - h) The proposal is inconsistent with the provisions of the Department of Planning *"Residential Flat Design Code"* in relation to building height, building separation, setbacks, landscape design, open space, orientation, visual privacy, building entries, vehicle access, storage, daylight access and facades.
 4. The proposal is contrary to Section 79C(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979* as it fails to satisfy the objectives of the Draft Ryde Local Environmental Plan 2011.
 - a) The proposal is of a type and density that does not:
 - accord with urban consolidation principles;
 - promote compatibility with the existing environmental character of the locality;

ITEM 4 (continued)

ATTACHMENT 1

- have a sympathetic and harmonious relationship with adjoining development; and
 - enhance the amenity and characteristics of established residential areas.
- b) The proposal does not preserve or improve the existing character, amenity and environmental quality of the land.
5. The proposal is contrary to Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to satisfy the requirements of the Ryde Development Control Plan 2010.
- a) The proposal is contrary to the objectives of Part 3.4 - Residential Flat Buildings and Multi Dwelling Housing (not within the Low Density Residential Zone) of the RDCP as it will:
- Not encourage a high architectural and landscape standard;
 - Will not preserve and enhance the existing residential amenity of the site and surrounding area;
 - Will not regulate the physical characteristics of residential flat development in order to preserve the character of the area; and
 - Does not ensure maximum privacy, sunlight and air, both within and without the site.
- b) The proposal does not comply with the maximum building height prescribed in "storeys" in Part 3.4 of the RDCP.
- c) The proposal does not comply with the front, side and rear setback requirements of Part 3.4 of the RDCP.
- d) The proposal does not comply with the internal setback requirements of Part 3.4 of the RDCP.
- e) The proposal does not comply with the minimum landscaped area requirements of Part 3.4 of the RDCP.
- f) The materials and finishes for the development are not appropriate and contribute to the visual dominance of the development and are therefore contrary to Part 3.4 of the RDCP.
- g) The proposal is unsatisfactory with regard to the retaining wall requirements in Part 3.4 of the RDCP.
- h) The location and design of the waste storage area is unsatisfactory with regard to the requirements of Part 7.2 of the RDCP.
- i) The proposed driveway does not comply with the maximum width requirements in Part 8.3 of the RDCP.
- j) The proposed stormwater disposal method for the site does not meet the requirements of Clause 2.1.1 of Part 8.4 of the RDCP as consent has not been granted by the property owner(s) at No. 23-25 Station Street with regard to the easement for drainage across the site.
- k) The proposal does not meet the access and mobility requirements of Part 9.2 of the RDCP in relation to disabled access provision to the outdoor common area.
- l) The proposed visitor space does not comply with the minimum width requirement in Part 9.2 of the RDCP.

ITEM 4 (continued)

ATTACHMENT 1

- m) The proposal is unsatisfactory with regard to the fencing requirements in Part 9.4 of the RDCP as inadequate information has been submitted to confirm details of the proposed fencing.
 - 6. Pursuant to Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, the proposal is likely to have an adverse impact upon the built environment in that the bulk and scale of the development will create an unreasonable sense of enclosure to the neighbouring properties and will adversely impact on the visual amenity of the Mons Avenue streetscape. Furthermore, the proposal is likely to result in the isolation of the adjoining property at No. 20 Mons Avenue, West Ryde and the possible isolation of No. 24 Mons Avenue, West Ryde.
 - 7. Pursuant to Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest as the development is inconsistent with the scale and intensity of development that the community can reasonably expect to be provided on this site.
 - 8. Pursuant to Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest, pertaining to the number of objections that have been received in relation to the proposal.
 - 9. The proposal is contrary to Section 5(a)(ii) of the *Environmental Planning and Assessment Act 1979* in that it will not encourage the "promotion and co-ordination of the orderly and economic use and development of land" as the development application will result in the likely isolation and potential "sterilisation" of No. 20 and 24 Mons Avenue, West Ryde.
 - a) The Applicant has not acted in accordance with the process and requirements of the NSW Land and Environment Court Planning Principles for site isolation.
 - b) The Applicant has failed to adequately demonstrate that No.'s 20 and 24 Mons Avenue, West Ryde, will not be isolated and sterilised as a result of the proposed development.
 - c) The development application, in this regard, will likely result in the isolation of sites, fragmentation of the Mons Avenue Streetscape and will set a precedent for future undesirable overdevelopment of small lots.
- (b) That the persons who made submissions be advised of Council's decision.

Note: The above Motion LAPSED for want of a seconder.

RECOMMENDATION: (Moved by Councillors Maggio and Salvestro-Martin)

- (a) That Local Development Application No. 2012/0454 at 22 Mons Avenue, West Ryde, being LOT 23, Section C, in Deposited Plan 2322 be deferred to give the applicant the opportunity to address the reasons for refusal in the Council

ITEM 4 (continued)

ATTACHMENT 1

Officer's report by exploring the possibilities of site amalgamation and to reduce some of the non-compliances.

- (b) That a further report be presented to Planning and Environment Committee within six months.
- (c) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **23 APRIL 2013** as substantive changes were made to the published recommendation.

3 93-95 VIMIERA ROAD, EASTWOOD. LOT 9 SP 68723. Section 96 application to delete condition of consent requiring compliance with (former) State Environmental Planning Policy No 5 - Housing for Older People or People with Disabilities. MOD2012/122.

Note: Dr Agnes Lau (objector) and Mr Zheng Liu (applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Salvestro-Martin and Yedelian OAM)

- (a) That the Section 96 application MOD2012/0122 to modify Local Development Application No. LDA1999/1609 at 93-95 Vimiera Road Eastwood being LOT 9 SP 68723 be refused for the following reasons;
 - 1. Deletion of the subject condition of consent (condition 2) would lead to a reduction in the amount of housing specifically designed and approved for older people/people with a disability.
 - 2. The proposed modification is not substantially the same development as the development for which consent was originally granted, and so Council does not have the power to approve the proposed modification.
 - 3. In the circumstances of the case, approval of the Section 96 application would not be in the public interest.
- (b) That the persons who made submissions be advised of Council's decision.
- (c) That the Manager Health and Building be requested to re-commence enforcement action that will ensure compliance with Condition 2 of Consent No 1999/1609, and that the owners of the property be required to either vacate the premises or take action to ensure that the premises are being occupied in accordance with State Environmental Planning Policy No. 5 within 24 months.
- (d) That the applicant's Section 96 application fee be refunded.

ITEM 4 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Councillors Pendleton, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillor Maggio

Note: This matter will be dealt with at the Council Meeting to be held on **23 APRIL 2013** as dissenting votes were recorded and substantive changes were made to the published recommendation.

4 66A PELLISIER RD, PUTNEY. LOT B DP 419543. Local Development Application for new dual occupancy. LDA2012/0106.

Note: Janet Bailey (objector), Don Bailey (objector on behalf of neighbouring residents) and Peter Hall (applicant) addressed the Committee in relation to this Item.

Note: A document was tabled by Don Bailey (objector) in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Pendleton and Simon)

- (a) That Local Development Application No. 2012/0106 for 66a Pellisier Road be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Councillors Pendleton and Simon

Against the Motion: Councillors Maggio, Salvestro-Martin and Yedelian OAM

Note: This matter will be dealt with at the Council Meeting to be held on **23 APRIL 2013** as dissenting votes were recorded.

The meeting closed at 6.21 pm.

CONFIRMED THIS 7TH DAY OF MAY 2013.

Chairperson

**5 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 5/13
held on 16 April 2013**

Report prepared by: Section Manager - Governance
File No.: CLM/13/1/4/2 - BP13/80

REPORT SUMMARY

Attached are the Minutes of the Works and Community Committee Meeting 5/13 held on 16 April 2013. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

Items 1 and 2 were dealt with by the Committee within its delegated powers.

The following Committee recommendations for Items 3 and 4 are submitted to Council for determination in accordance with the delegations set out in Council's Code of Meeting Practice relating to Charters, functions and powers of Committees:

3 11 FIRST AVENUE, EASTWOOD - Stormwater Drainage

RECOMMENDATION: (Moved by Councillors Li and Laxale)

That consideration of this Item be deferred to the next Works and Community Committee meeting on 7 May 2013 and that the resident be invited to attend the meeting.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **23 APRIL 2013** as substantive changes were made to the published recommendation.

4 PEDESTRIAN SAFETY THROUGHOUT THE CITY OF RYDE

RECOMMENDATION: (Moved by Councillors Pickering and Perram)

- (a) That Council receive and note the report.
- (b) That Council re-affirm the current pedestrian safety programs within the Four Year Delivery Plan as the most viable option to manage pedestrian accessibility and safety and that the plans be reviewed on an annual basis.

Record of Voting:

For the Motion: Councillors Li, Perram and Pickering

Against the Motion: Councillor Laxale

ITEM 5 (continued)

Note: This matter will be dealt with at the Council Meeting to be held on **23 APRIL 2013** as dissenting votes were recorded and Councillor Salvestro-Martin requested that the matter be referred to the next Council Meeting.

ATTACHMENTS

- 1 Minutes - Works and Community Committee - 16 April 2013

ITEM 5 (continued)

ATTACHMENT 1

**Works and Community Committee
MINUTES OF MEETING NO. 5/13**

Meeting Date: Tuesday 16 April 2013

Location: Committee Room 1, Level 5, Civic Centre, 1 Devlin Street, Ryde

Time: 5.00pm

Councillors Present: Councillors Perram (Chairperson), Laxale, Li and Pickering.

Apologies: Councillor Etmekdjian.

Staff Present: Acting Group Manager – Community Life, Acting Group Manager - Public Works, Acting Manager – Open Space, Section Manager – Open Space Planning and Assets, Manager – Asset Networks, Section Manager – Traffic, Senior Tree Urban Forest Officer, Section Manager – Governance and Executive Assistant to Mayor and Councillors.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 2 April 2013

RESOLUTION: (Moved by Councillors Li and Laxale)

That the Minutes of the Works and Community Committee 4/13, held on Tuesday 2 April 2013, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

2 ADOPTION OF THE STREET TREE MASTERPLAN AND URBAN FOREST PLAN

RESOLUTION: (Moved by Councillors Pickering and Laxale)

(a) That Council adopt the Urban Forest Plan as amended.

(b) That Council adopt the Street Tree Masterplan as amended.

Record of Voting:

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

ITEM 5 (continued)

ATTACHMENT 1

3 11 FIRST AVENUE, EASTWOOD - Stormwater Drainage

RECOMMENDATION: (Moved by Councillors Li and Laxale)

That consideration of this Item be deferred to the next Works and Community Committee meeting on 7 May 2013 and that the resident be invited to attend the meeting.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **23 APRIL 2013** as substantive changes were made to the published recommendation.

4 PEDESTRIAN SAFETY THROUGHOUT THE CITY OF RYDE

RECOMMENDATION: (Moved by Councillors Pickering and Perram)

(a) That Council receive and note the report.

(b) That Council re-affirm the current pedestrian safety programs within the Four Year Delivery Plan as the most viable option to manage pedestrian accessibility and safety and that the plans be reviewed on an annual basis.

Record of Voting:

For the Motion: Councillors Li, Perram and Pickering

Against the Motion: Councillor Laxale

Note: This matter will be dealt with at the Council Meeting to be held on **23 APRIL 2013** as dissenting votes were recorded and Councillor Salvestro-Martin requested that the matter be referred to the next Council Meeting.

The meeting closed at 5.15pm.

CONFIRMED THIS 7TH DAY OF MAY 2013.

Chairperson

6 REVIEW OF TOP RYDER COMMUNITY BUS SERVICE

Report prepared by: Senior Sustainability Coordinator, Transport and Environment
File No.: PM12/30238/005 - BP13/355

REPORT SUMMARY

This report requests Council to consider whether or not the Top Ryder Community Bus Service (the Service) be extended for another four years beyond 30 June 2013 and presents 3 options for Council's determination.

The Service has been operating since 22 July 2008 as a free service to passengers and now transports over 60,000 passengers annually using two 25 seater Rosa buses. The Service connects five of the six key centres of Ryde six days each week Monday to Saturday during the hours of 9.30am to 3.00pm.

The Service currently costs \$273,000 p/a to deliver funded from a capped Council contribution of \$100,000 p/a and the balance from business contracts and sponsorship funds.

There are three options available to Council. The Council may decide to either: discontinue the service from 1 July 2013, keep the service running under current operating conditions and maintain ownership of the buses, or fully outsource the service and sell the buses. Should Council choose to discontinue the service from 1 July 2013, it is unlikely that the service will be continued by any other Government or non-Government organisation.

The preferred option is to maintain the current operating conditions, keep ownership of the buses and tender bus operations management to a 3rd party. The estimated cost for this option is likely to be \$297,000 indexed p/a, however Council's contribution to the Service will stay capped at \$100,000 p/a also indexed with shortfall to be made up from sponsorship funds and other business contract arrangements. There is a strong market reliance on substantial sponsorship to support the service and this is not guaranteed

A potential partnership with the Ryde Hunters Hill Community Transport Service (RHHCTS) was also explored however following legal advice such a partnership is not permitted. Council could only outsource services of this nature by satisfying the strict tendering requirements of the Local Government Act and Council's procurement policies. The RHHCTS have nevertheless submitted a draft business proposal (**CIRCULATED SEPARATELY – CONFIDENTIAL**) setting out the likely terms, conditions and estimated costing if they were to take over the service. This proposal has been useful in helping to frame this report.

RECOMMENDATION:

- (a) That Council approve the extension of the Top Ryder Community Bus Service under current operating conditions for a further four year period to 30 June 2017 for the total cost of \$297,000 indexed p/a.

ITEM 6 (continued)

- (b) That Council's financial contribution for the operation of the Top Ryder Community Bus Service remains capped at \$100,000 indexed p/a for four years with the shortfall each year required to run the service being made up from revenue from other sponsorship, advertising and business contracts.
- (c) That Council tender for the services of a suitable bus operation and management organisation to operate the Top Ryder Community Bus Service and deliver related service contracts for four years or term of any contract, whichever is the lesser.
- (d) That any variation to Council's capped contribution of \$100,000 indexed p/a that may result in an increase to Council above the capped amount be the subject of a further report to Council before any additional costs are incurred.

ATTACHMENTS

- 1 2012 Top Ryder Bus Survey Report
- 2 Draft Business Proposal for Top Ryder Community Bus from RHHCT-CoR - November 2012 - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL
- 3 Funding Memo - Read in conjunction with Top Ryder Council Report 23 April 2013 - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL

Report Prepared By:

Jenai Davies
Senior Sustainability Coordinator, Transport and Environment

Report Approved By:

Sam Cappelli
Manager The Environment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 6 (continued)

Background

The current Top Ryder Bus Service has been operating since 22/7/2008 and now transports over 60,000 passengers annually. Two 25 seat ROSA buses were purchased by the former owners of the Top Ryde City Shopping Centre at no cost to Council (except the cost of adding wheelchair lift facilities which Council funded) and both buses are owned by Council.

The service is free to passengers and connects five of the six key centres of Ryde for six days each week. The buses operate in opposite directions connecting the centres of Gladesville, Top Ryde, Putney, Shepherds Bay, Meadowbank, West Ryde and Eastwood. The service is now relied upon by many in the community to improve their accessibility to key centres of Ryde.

The map below shows the current route of the Top Ryder Community Bus Services:



Four customer satisfaction surveys have been conducted of passengers since the service began and a copy of the latest 2012 Top Ryder Bus Service Survey report is **ATTACHED** – Attachment 1.

ITEM 6 (continued)

Over the years there have been several Council resolutions concerning the operation of the Service and this report brings to account all of the issues that remain outstanding in order for a decision to be made including such matters as potential service and route enhancements, funding sources, business and sponsorship opportunities.

Council resolved on 8 November 2011 to approve an extension of the Top Ryder Service to 30 June 2013 and on 27 March 2012 resolved, inter alia, that

- (c) That in the next 12 months, Council actively seek sponsorship to expand the service to include Marsfield, Eastwood, East Ryde and Macquarie Park*
- (d) That Council investigate the option of funding a new bus service through Voluntary Planning Agreements*

Discussion

Business contracts, sponsorship and other potential arrangements to support delivery of the Top Ryder Service are detailed in funding memo dated 23 April 2013 to Councillors (**ATTACHMENT 3 - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL**).

Other sources of sponsorship have been difficult to source given the uncertainty over the longer term operation of the Top Ryder service.

Additional sponsorship has not been found which would enable Council to expand the service to include Marsfield, Eastwood, East Ryde and Macquarie Park.

On the issue of Voluntary Planning Agreements, it is possible for cash contributions on large developments to be directed by specific Council resolution to fund enhancements to the Top Ryder Community Bus Service.

Options for Future Delivery Mode and Level of Service for Top Ryder Bus

Three options for future service delivery mode and level of service for the Top Ryder Bus are presented below. All options, except Option one which is to discontinue the service, are based on the Council's contribution being capped at \$100,000 indexed p/a.

Under Section 55 of the Local Government Act, Council is required to seek tenders for services costing over \$150,000. The level of expenditure for Options two and three presented below would exceed the tendering threshold.

Option 1 – Discontinue the Top Ryder services from 1 July 2013 and sell off the buses after the contract with Optus expires

ITEM 6 (continued)*Estimated Costs*

1. Total cost (\$9,750) surplus + proceeds from sale of buses.
2. Cost to Council to complete Optus Contract – from 1 July 2013 to 15 August 2013 - \$9,000.
3. \$80,000 revenue from sale of buses not put back into plant fund in Year 1.
4. \$130,000 already allocated to plant fund from accumulated depreciation would remain in plant fund.
5. \$18,750 revenue from business contract with Optus from 1 July 2013 to 15 August 2013.

Benefits

1. No administration or vehicle maintenance after 15 August 2013.
2. Revenue from sale of buses - residual value from buses (estimate \$80,000) into plant fund.
3. Ability to redirect \$130,000 in plant fund from accumulated depreciation to other plant assets.
4. Surplus from completion of Optus contract.

Disadvantage

1. There will be no community transport service provided.
2. Associated increase in transport disadvantage for users.

Risk

1. Negative reputation and media attention and there are likely to be a large number of complaints if the Top Ryder Service was discontinued as the service is now an attractive service used for >60,000 trips annually.
2. Increase in transport disadvantage facing certain customers around 3% of users of the bus who do not have any other reliable transport modes to rely upon. Over 78% of all Top Ryder passengers have a concession card of some type and 58% are aged 65 or over. Also, the Top Ryder performs a vital service for these customers, with close to 59% of passengers using the Top Ryder for accessing medical appointments.

Option 2 – Continue current level of service to 30 June 2017, administration and maintenance undertaken in house, operation by contractors selected by tender (currently I Love Oz), maintain current business contract with Optus, maintain sponsorship arrangements with Clubs, keep ownership of buses.

Estimated Costs

1. Total estimated cost \$297,000 indexed p/a for 4 years (\$105,000 for in-house bus maintenance/depreciation/insurance/repairs and \$192,000 estimated for bus operation contract in Year 1).

ITEM 6 (continued)

2. Council contribution capped at \$100,000 indexed p/a for 4 years.
3. \$197,000 revenue from business contract and sponsorship arrangements to make up shortfall in Year 1, indexed to Year 4.

Benefit

1. Costs are significantly cheaper than fully outsourcing the service.
2. Revenue from business partnership and sponsorships.
3. Council maintains complete control over service delivery.
4. Increased flexibility to use buses for other uses.
5. The level of service and performance of the contractor is a known quantity.
6. Maintain Council's environmental profile for the running of the service

Disadvantage

1. Internal City of Ryde staff would need to continue the administration of the Top Ryder service, primarily to manage contracts, service buses and bookkeeping.
2. Continued in-house vehicle maintenance responsibilities and rising costs.
3. Council's contribution to the service is capped at \$100k indexed p/a however if existing sponsorship or business arrangements do not continue, then Council would be required to pay for the shortfall.
4. Despite low km's, an ageing bus fleet may result in increased maintenance costs, although it is expected that the buses will not require changeover for at least another 3 years.

Risk

1. Existing major sponsors/partners may choose to not extend current arrangements.
2. Contractors may not undertake operation of the service to required levels. This is currently being managed with key performance indicators and penalty payments into contract.
3. There is a strong market reliance on substantial sponsorship to support the service and this is not guaranteed.
4. Unknown costs for on-going bus driving and operation – Tender process for 1 July 2013 to 30 June 2017 still to be undertaken although it is unlikely that costs will rise significantly.

Option 3 – Continue current level of service to 30 June 2017, fully outsource to contractors selected by tender, outsource administration/bus supply/bus maintenance/bus operation to contractors selected by tender, maintain current business contract with Optus and maintain contract management in-house, sell existing buses.

ITEM 6 (continued)

Estimated Costs

1. Total estimated cost \$350,000 p/a indexed for 4 years (for bus supply and operation the service)
2. Council contribution capped at \$153,000 p/a indexed for 4 years (with \$53,000 p/a offset from sale of vehicles and redistribution of accumulated depreciation across the 4 years to enable Council contribution to remain at \$100,000 p/a)
3. \$197,000 p/a revenue required from business contract and sponsorship arrangements to make up shortfall.
4. \$80,000 revenue from sale of buses not put back into plant fund in Year 1.
5. \$130,000 already allocated to plant fund from accumulated depreciation would be taken from the Plant Fund.

Benefit

1. Fixed price certainty is possible following a tender process which incorporates both bus operation and maintenance.
2. Transferral of service and operational risk to a third party, including risk of owning and maintaining buses.
3. A contractor would take over responsibility for the administration, maintenance and operation of the Top Ryder and Optus bus services – under agreed service delivery contract.
4. Revenue from sale of buses - residual value from buses (estimate \$80,000) which would go into plant fund.
5. Revenue from business partnership and sponsorships.
6. Ability to redirect \$130,000 in plant fund from accumulated depreciation to other plant assets

Disadvantage

1. This option is more likely to be more expensive than keeping service in-house and keeping ownership of buses.
2. Possible constraints of sponsorship and application of bus livery on non Council owned buses
3. There would be a reduced flexibility on use of buses during and outside the operational hours of the service, without needing to pay an additional cost.
4. Current quantum of sponsorship isn't sufficient to cover total cost and would rely on more sponsorship or greater Council contribution.
5. Cost \$53,000 p/a more than operating internally

Risk

1. Existing major sponsors/partners may choose to not extend current arrangements. In this circumstance, Council would need to meet the shortfall to maintain existing service standards.

ITEM 6 (continued)

2. Contractors may not undertake operation or maintenance of the service to required levels. This can be managed by including key performance indicators and penalty payments into any contract.
3. Reduced risk as buses are owned by a third party.
4. There is a strong market reliance on substantial additional sponsorship to support the service and this is not guaranteed.

Potential Partnership with Ryde Hunters Hill Community Transport Service

This was investigated and a draft business proposal was received. Indicative terms, conditions and costs to take over the service were included in the draft business proposal.

Comparatively, the draft proposal was similar to the details outlined in Option 3 except that it would also be expected that Council provide 2 new buses and for Council to maintain the ownership of the buses.

There is also the risk that existing major sponsors/partners may choose to not extend current arrangements if the service is taken over by another entity.

In any case following legal advice received, the Council is precluded from entering into a partnership arrangement with RHHCTS.

Council could only enter into a direct business arrangement with the RHHCTS after first undertaking a full, open and comprehensive tendering process where the RHHCT would need to tender and compete with other potential business partners given the operating costs of the service are above tender threshold limits.

Should Council decide to extend the current service, the RHHCT will be invited to submit a proposal.

Financial Implications

Should Council resolve to extend the Top Ryder Community Bus Service, it will result in a financial impact of \$100,000 indexed p/a over 4 years and this amount has been allowed for in the Council's current Four Year Delivery Plan 2012/2016 and is to be incorporated into the 2013/2017 Delivery Plan .

ITEM 6 (continued)

	Cost to Council p/a	Estimated Total Cost p/a	Net Cost over 4 Years	Other Funding Sources
	\$	\$	\$	
Option 1 (to cease service)	0	0 (219,750) savings – Year 1	-	Savings from Optus income, sale of buses and accumulated depreciation not taken from Plant Fund
Option 2 (to continue service as is)	100,000	297,000	1,188,000	Optus Income, Advertising and Sponsors
Option 3 (to fully outsource service and sell buses)	153,000 (53k offset from sale of buses and accumulated depreciation not taken from Plant Fund to ensure capped amount does not exceed 100,000 p/a)	350,000	1,400,000 (1,190,00 when offsets are applied)	Optus Income, Advertising and Sponsors and offsets from sale of buses(\$80k) and accumulated depreciation (\$130k) not taken from Plant Fund

Note: Amounts do not include indexing

For either option two or three, there is a strong market reliance on sponsorship to support the service and this is not guaranteed. In the event that the Council's budgeted contribution from General Revenue threatens to exceed the capped \$100,000 p/a indexed, a further report will be submitted for direction before any additional costs are incurred.

Critical timeframes


Critical timeframes for this project are 30 June 2013. At this time, the current contract with I Love Oz for operation of the Top Ryder and Optus Shuttle Services will expire. A new tender process will need to be completed by this date or Council will need to vary the existing contract with I Love Oz to enable this contract to continue on a month to month basis until the future operator has been selected.

Consultation with relevant external bodies

- Ryde Hunters Hill Community Transport



Lifestyle and opportunity @ your doorstep

A horizontal bar composed of various colored segments including pink, purple, blue, green, yellow, orange, and red.

2012 Top Ryder Bus Service Survey

Environment & Planning

November 2012

ITEM 6 (continued)

ATTACHMENT 1

TABLE OF CONTENTS

Introduction	3
Background.....	3
Methodology	3
Rating questions	4
Sampling considerations	4
Executive Summary	5
Overall satisfaction.....	5
Satisfaction with aspects of the service.....	5
Service Usage.....	7
Demographic profile of respondents	11
Main issues identified	12
Recommendations	12

ITEM 6 (continued)

ATTACHMENT 1

Introduction

Background

City of Ryde conducted a customer satisfaction survey for the second time in November 2012. The first survey was conducted in January 2011.

The main objectives of conducting this survey are:

1. To understand the overall level of satisfaction of customers who use the Top Ryder Bus service
2. To understand what aspects of the service can be improved
3. To determine how the service is currently used and if new operation times or routes are necessary to better serve the needs of the community
4. To understand the main reasons customers use the service instead of other transport options
5. To understand the demographic profile of customers
6. To identify if the service provider I Love Oz are delivering on service agreements.

As part of this review of the service, the following actions have been undertaken:

1. Reviewed previous survey and developed a set of standardised satisfaction questions that can be used as a baseline for future customer satisfaction surveys, as well as compared with other frontline services.
2. The different aspects of the bus service were derived from the 2011 Transport Customer Survey measuring Customer Satisfaction with Public Transport Services developed by the NSW Bureau of Transport Statistics. Measures were chosen and appropriated with consideration that the Top Ryder Bus is a free community service as opposed to a paid service.
3. The survey was translated into Simplified and Traditional Chinese by eTranslate and also proof read by a Language Aid Officer, as it was deemed that a large proportion of customers who use the service are from non English speaking backgrounds.

Methodology

Paper surveys were made available on the bus to customers from the 12th of November – 30th of November 2012. Customers could return the survey by posting it in the reply paid envelope supplied, returning it to the bus driver, or posting the survey in a separate envelope if they did not have a reply paid envelope.

Start date	End date	No. of surveys printed	No. of completes	Response rate
12/11/12	30/11/12	200	72	36%

Language of forms returned	Frequency	Percent
English	47	65%
Simplified Chinese	10	14%
Traditional Chinese	15	21%

ITEM 6 (continued)

ATTACHMENT 1

Rating questions

A 5 point rating scale was used in all rating questions with the following options:

1	Not at all satisfied
2	Not very satisfied
3	Somewhat satisfied
4	Satisfied
5	Very satisfied

For the purposes of analysis of the mean scores in addition to the percentage of responses, each answer option was assigned a weight between 1 to 5 where 1 = Not at all satisfied and 5 = Very satisfied.

The rating scale charts have also been coded accordingly for ease of gauging whether certain aspects of the service are performing to customers' satisfaction or not.

Sampling considerations

Whilst best efforts have been made to invite all customers to participate in the survey, there is currently no robust information on the number of unique customers the Top Ryder Bus caters to. As such, it is difficult to estimate the margin of error with the sample sizes achieved for this survey. However, the information obtained would still be useful as a baseline indication, and future survey results should be considered with respect to the sample size achieved and relative to the baseline for comparison.

ITEM 6 (continued)

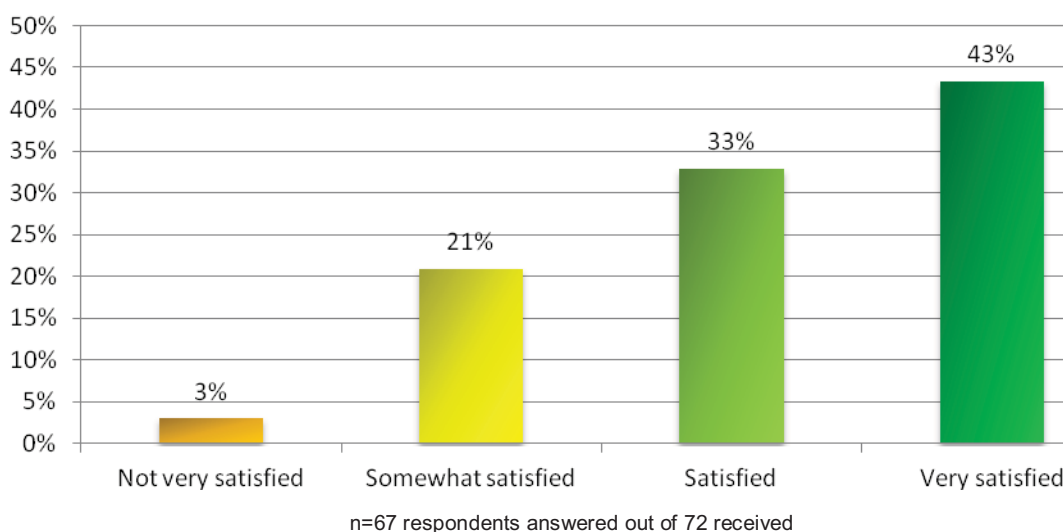
ATTACHMENT 1

Executive Summary

Overall satisfaction

At an overall level, 76% of respondents were satisfied or very satisfied with the Top Ryder Bus service. If we also consider those who were 'somewhat satisfied', this constituted 97% of respondents, with only 3% saying they were not very satisfied, and none that were not satisfied at all. The average satisfaction score for overall satisfaction was 4.16 out of 5.

In general, how would you rate your satisfaction with the service?

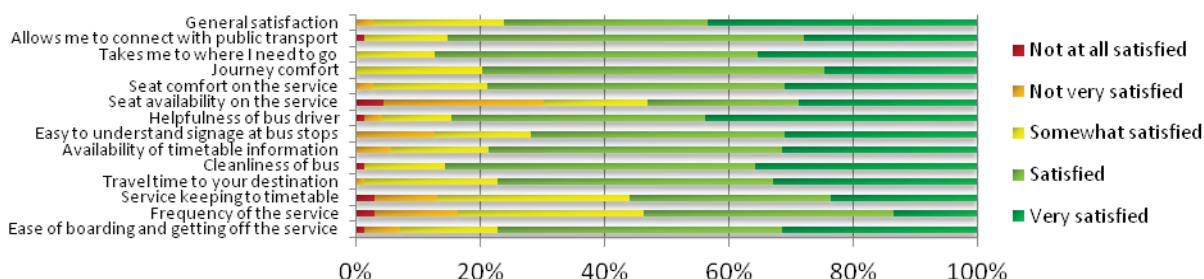


Satisfaction with aspects of the service

In rating the different aspects of the bus service, respondents were most satisfied with the helpfulness of the driver, and that the bus takes them where they need to go. These measures on average had the highest score of 4.23 out of 5 and 85%-87% of respondents were satisfied with these aspects. Cleanliness, connection with public transport, and travel time were the next highly rated features of the service, and the average scores were not significantly different from the top two aspects.

On the other hand, seat availability (e.g. missing a service due to the bus being full) was the lowest rated aspect of the service with an average score of 3.47 out of 5. Similarly the frequency of the service, and service keeping to timetable were rated lower compared to other measures, however 13-16% of respondents expressed dissatisfaction, whereas close to a third (30%) of respondents expressed dissatisfaction with seat availability.

Satisfaction with aspects of the service



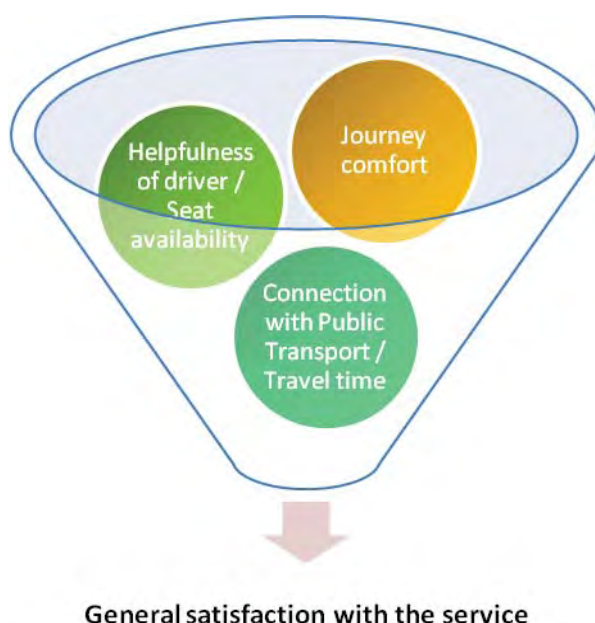
ITEM 6 (continued)

ATTACHMENT 1

Aspect of the service	Mean score	Significant differences p<.05
Seat availability*	3.47	Significantly lower mean scores than yellow and green
Frequency of the service	3.48	
Keeping to the timetable	3.63	
Easy to understand signage at bus stops	3.90	Scores are similar
Ease of boarding and getting off the service	4.00	
Availability of timetable information	4.04	
Journey comfort (smoothness of ride)*	4.04	
Seat comfort on the service	4.07	
Travel time to destination*	4.09	Significantly higher mean scores than yellow and red
Allows me to connect with public transport*	4.10	
Cleanliness	4.19	
Helpfulness of driver*	4.23	
Takes me where I need to go	4.23	

*These measures were also significantly correlated with the overall satisfaction score suggesting that achieving a higher satisfaction score on seat availability will positively improve customers' overall satisfaction.

It should however be noted that the associations were generally weak meaning improvements are likely to produce a marginal improvement in overall satisfaction.



The data was further analysed using multiple regression analysis of all of the above aspects and found the following measures to have a significant correlation on general satisfaction.

$$\text{General Satisfaction} = 0.372 \times \text{connection with public transport} + 0.347 \times \text{travel time} + 0.312 \times \text{helpfulness of driver} + 0.262 \times \text{seat availability} - 0.48 \times \text{journey comfort (smoothness of ride)}$$

An interesting observation is that journey comfort seemed to have a negative relationship with general satisfaction. However, when journey comfort is not considered, travel time also became insignificant, suggesting there is a multi-

ITEM 6 (continued)

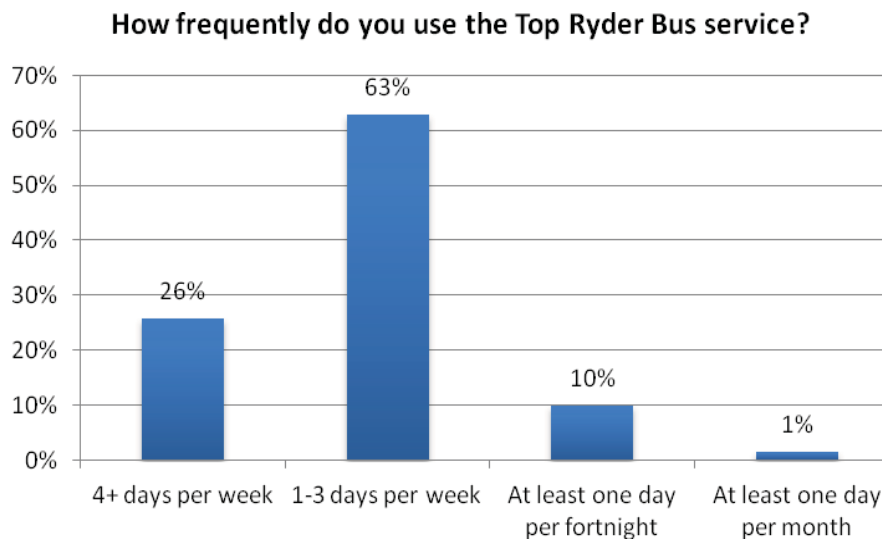
ATTACHMENT 1

collinear relationship between these two factors. If we only consider journey comfort, it has an important impact on general satisfaction, but with all things being considered, the regression results suggest that customers are less concerned with journey comfort than with the other factors.

Service Usage

Frequency

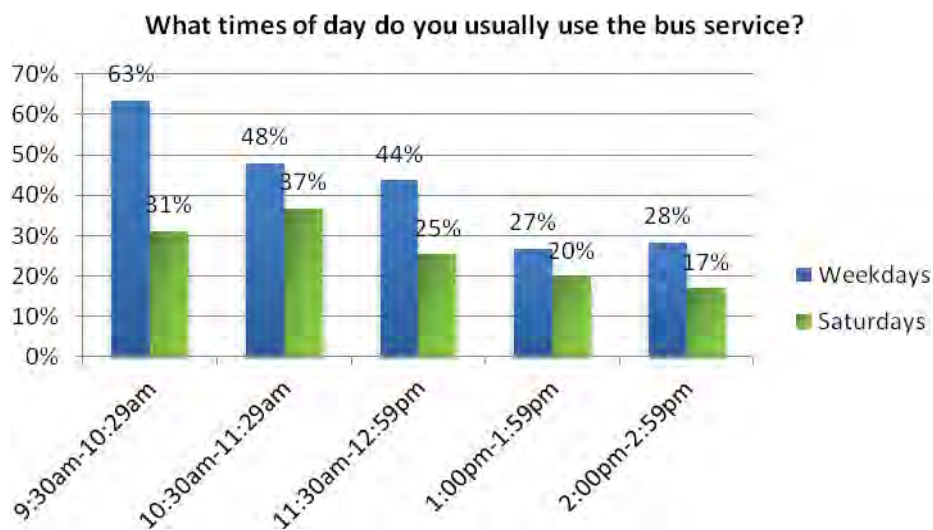
89% of respondents report using the service at least one day per week, whilst 10% used the service at least once per fortnight. It should be noted that the survey was available for 3 weeks, so this could have resulted in the less frequent monthly users not being captured during the survey period.



Time of day

On weekdays, the most heavily used service times were 9:30am to 10:29am by almost two thirds of respondents (63%). Saturday usage was heaviest at 10:30am-11:29am by 37%.

It was also found that 38% of respondents only used the weekday services, whilst just 3% only used the Saturday service.



ITEM 6 (continued)

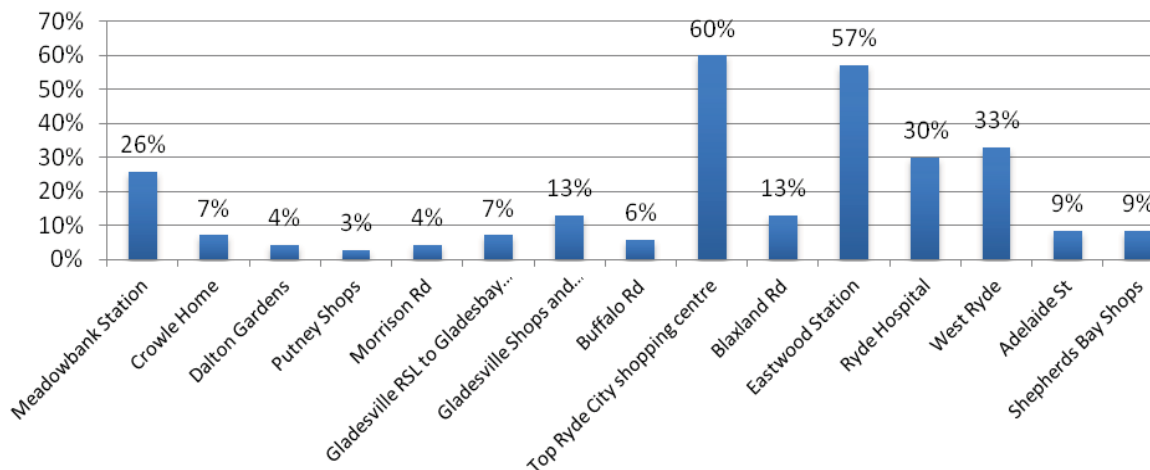
ATTACHMENT 1

Most regularly used stops

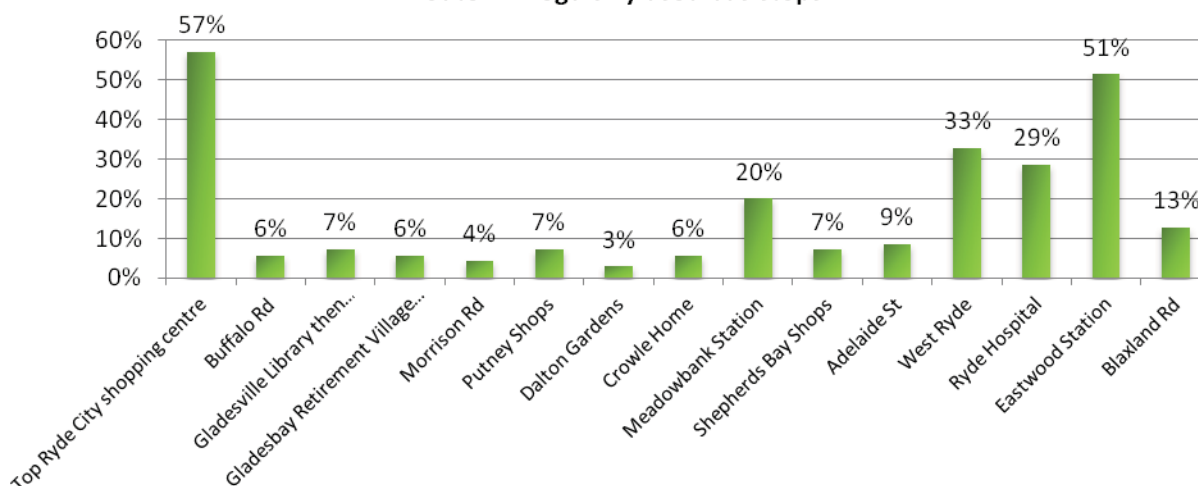
The most popular stops used by respondents when they start or end their journeys were Top Ryde Shopping Centre, Eastwood Station, West Ryde, and Meadowbank Station on Route 1, and Top Ryde Shopping Centre, Eastwood Station, West Ryde, Ryde Hospital, and Meadowbank Station on Route 2.

The least used stops were Dalton Gardens, Putney Shops and Morrison Road on Route 1, and similarly on Route 2 with the exception of Putney Shops which had greater usage on this route.

Route 1 - Regularly used bus stops



Route 2 - Regularly used bus stops



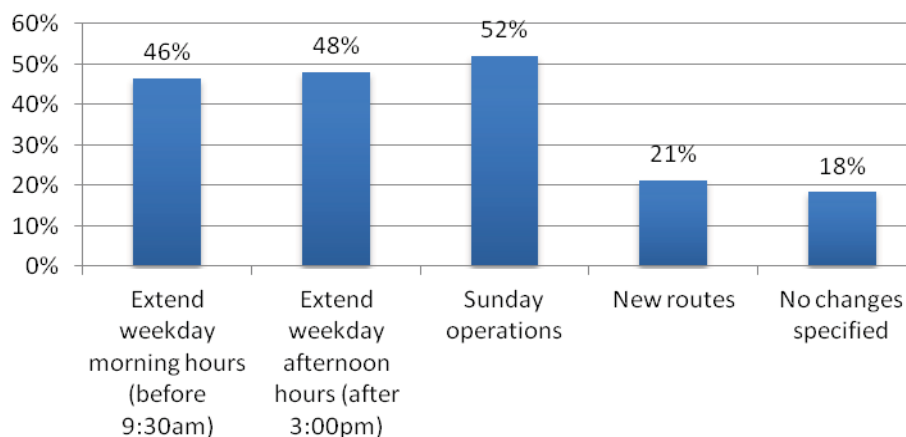
Changes to the timetable

More than half of the respondents wanted to see Sunday operations, and close to half wanted extended morning and afternoon hours on weekdays. 18% of respondents did not specify any changes they wished to see in the timetable or stops.

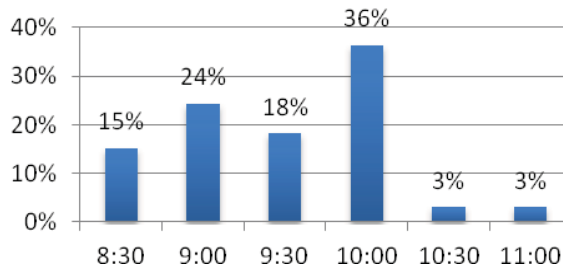
ITEM 6 (continued)

ATTACHMENT 1

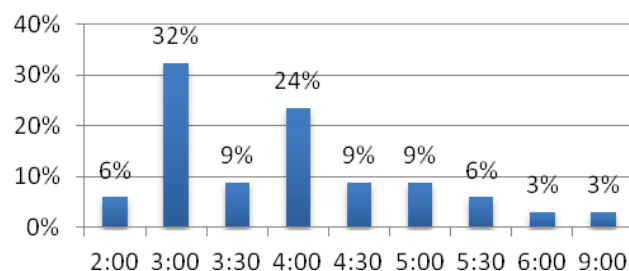
Changes made to the timetable



Extended Sunday morning hours suggested (AM)



Extended Sunday morning hours suggested (PM)



Below are the new routes suggested by customers:

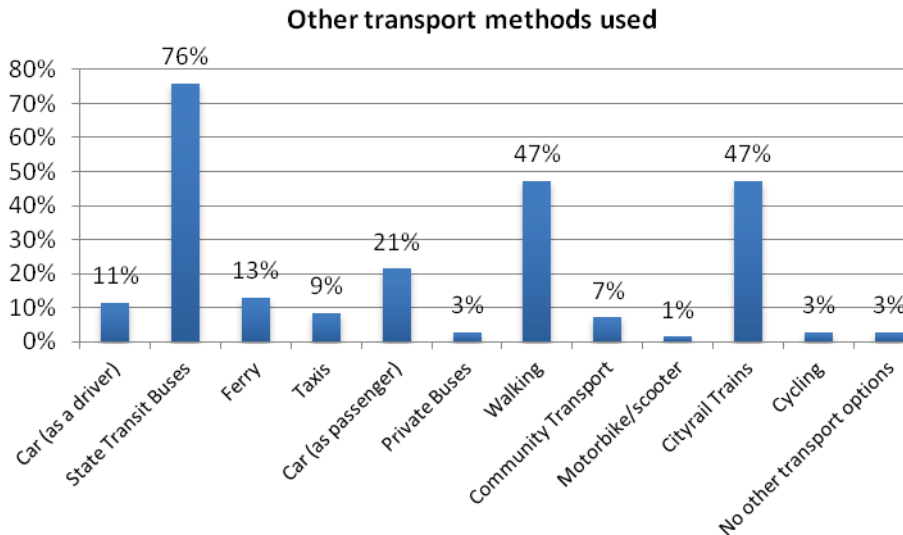
New routes suggested	Frequency	%
Buffalo Road to Top Ryde	1	5.6%
Coxs Road shops - North Ryde	1	5.6%
Denistone Railway Station	1	5.6%
Eastwood to Macquarie Shopping Centre	1	5.6%
Herring Road Marsfield	1	5.6%
Hunters Hill further up Ryde Rd towards shops	1	5.6%
Lovell Road	1	5.6%
Macquarie shopping centre	1	5.6%
Marsfield via Epping	1	5.6%
Meadowbank Tafe & Ferry	1	5.6%
Morrison Road – Payten Street – Charles Street, Putney	4	22.2%
Pope Street, Ryde	1	5.6%
Rhodes shopping centre	2	11.1%
Shepherds Bay shops to Meadowbank Ferry Wharf	1	5.6%
Smith St - Ryde near Top Ryde Shopping Centre	1	5.6%
Victoria Road	2	11.1%

ITEM 6 (continued)

ATTACHMENT 1

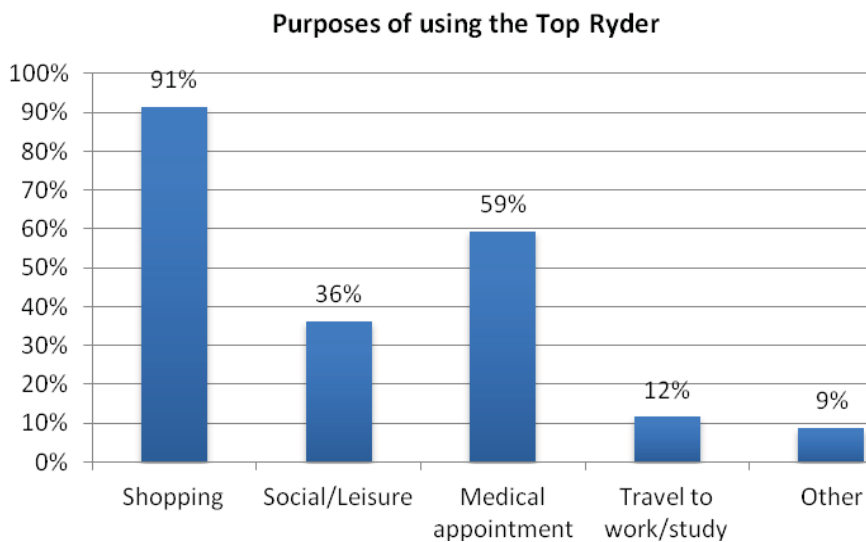
Other transport options

76% of respondents reported also using State Transit Buses, followed by 47% who used Cityrail Trains or walked as other means of transport. Only 11% were drivers of cars, but close to double had the option of being a car passenger. Only 3% reported having no other transport options than the Top Ryder Bus.



Purposes of using the Top Ryder

A large majority of customers used the Top Ryder for shopping (91%), and over half used it to get to medical appointments. Other purposes that were not listed included going to banks or the post office to pay bills, going to church, to use the libraries, and for voluntary work.



ITEM 6 (continued)

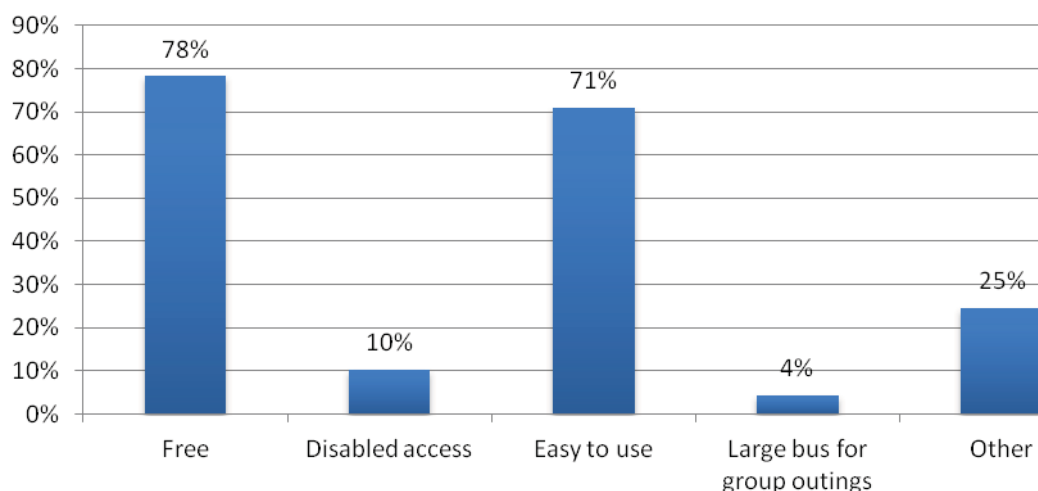
ATTACHMENT 1

Reasons for using the Top Ryder instead of other transport

The main reasons the Top Ryder is used by customers instead of other transport were that it is a free service, and is easy to use. Only a small percent used it for large group outings.

Other reasons specified by customers were because there were no other buses available to get them to their destinations, or it was faster or had a more direct route than State transit buses. Some reported aspects of the service such as being safe, reliable, and a service they enjoyed as reasons for its use, as well as convenience and being close to their house.

Reasons for using the Top Ryder instead of other transport options



Demographic profile of respondents

Below is a summary of the demographic profile of the customers who responded to this survey. Whilst this is not necessarily representative of the customer base of the Top Ryder Bus service, it is useful to use these as a baseline and aim to achieve a similar representation for future surveys, or otherwise use weighting of the data to ensure the results are comparable.

Gender	Frequency	Percent
Male	22	34%
Female	43	66%

Age	Frequency	Percent
25-34	2	3%
35-44	6	9%
45-54	4	6%
55-64	17	25%
65+	40	58%

Main language	Frequency	Percent
English	32	46%
Cantonese	12	17%
Mandarin	20	29%
Korean	1	1%
Armenian	1	1%
Other	3	4%

Concession cards	Frequency	Percent
Pensioner Concession	30	44%
Seniors Card	35	51%
Health Care Card	14	21%
None of these	17	25%
Other - disability support pension	1	1%

ITEM 6 (continued)

ATTACHMENT 1

Main issues identified

Based on comments and suggestions from respondents on how to improve the service, the top three suggestions were related to extra stops or new routes, increasing the frequency of services, particularly during peak usage times, and extended hours of operations of the service either in the morning, or evening, or both.

Of those who responded to this section of the survey, 15% also cited bus punctuality as being an issue with some reporting experiences of the bus being late, whilst others saying the bus was too early causing them to miss the service. 13% suggested having a larger bus, or reported having missed a service as it was full, however increasing the frequency of the service may also be a solution to this problem.

11% also made complaints regarding the bus driver, relating to poor communication or attitude, or driving too fast on some occasions. Some passengers also reported difficulty in boarding the bus as it was too far from the kerb, or lack of steps to assist the elderly with accessibility.

Below is a summary of the main categories in which the comments were grouped.

Comment category	Frequency	%
Extra stops/new routes	11	28%
Increase frequency	11	28%
Extended hours of operation - morning and evening	9	23%
Time/punctuality - bus arrives too early or late	6	15%
Larger bus/missed service due to being full	5	13%
Happy with current service	4	10%
Better accessibility for elderly (ease of boarding) / stop closer to kerb	3	8%
Driver - friendlier attitude/communication	2	5%
Weekend Saturday & Sunday operations	2	5%
Bus missed a stop - Punt Rd, Glades Bay Aged Care	1	3%
Driver - announce stops	1	3%
Driver - driving too fast	1	3%
Notices of any scheduling problems	1	3%
Timetable - hard to understand	1	3%
Trolleys in aisles	1	3%

Recommendations

There is evidently a high level of demand for extensions to the Top Ryder Bus Service. Extended morning and afternoon operations, Sunday operations, and the additional stops and new routes suggested by respondents are to be assessed by Council in March 2013 based on these results.

Further feedback is to be provided to the bus service provider relating to punctuality, accessibility, customer service and driving methods in order to improve the current service provision.

7 ESTABLISHMENT OF A MOBILE PLAYGROUP SERVICE- Follow up Report

Report prepared by: Manager - Community & Culture
File No.: GRP/09/4/8 - BP13/459

REPORT SUMMARY

This report outlines action taken to implement Council's resolution from December 2012 which requested staff investigate potential funding sources to assist Council in establishing and delivering a mobile playgroup service in the City of Ryde.

The report also includes analysis of capital and operational costs, potential locations and implementation models for Council's consideration that could apply if Council is of a mind to commence operation of a mobile playgroup service.

Staff investigation into available funding opportunities has not identified any new sources of funding for operating mobile playgroups. Staff concentrated on re-directing existing funding of \$55,000 which Council has been allocated by Department of Education and Communities for delivering vacation care services, now being delivered by local schools, towards delivering a potential mobile playgroup service.

This proposal was rejected by the Office of Education seemingly based on administrative considerations. This is concerning because the Ryde LGA and local families will be losing this funding and further that due to a potential oversight by the Department (as a result of the recent restructuring and reallocation of program responsibilities) Council's proposal was not assessed based on the community benefit and meeting local needs.

RECOMMENDATION:

- (a) That Council note the report and take no further action at this time, to establish a mobile playgroup service in the City of Ryde due to the associated significant unfunded capital and ongoing costs.
- (b) That Council request the Acting General Manager to take appropriate action to retain the existing funding allocated to City of Ryde for delivery of children services and meet with relevant Members of Parliament to seek their support in retaining these funds for families of City of Ryde.
- (c) That, if Council is successful in retaining the grant of \$55,000 from NSW Government the Acting General Manager be given delegation to proceed with establishment of a mobile playgroup service in a partnership model as outlined in the report, including:
 - Inclusion of the costings as outlined in this report into the 2013-14 Delivery plan and
 - Progressing selection of a partner organisation to deliver the mobile playgroup service.

ITEM 7 (continued)

ATTACHMENTS

- 1 Response from the Office of Education
- 2 Subsequent Letter sent to the Hon. Victor Dominello MP
- 3 Proposal to Department of Education and Communities-Office of Education

Report Prepared By:

Baharak Sahebekhtiari
Manager - Community & Culture

Report Approved By:

Tatjana Domazet
Acting Group Manager - Community Life

ITEM 7 (continued)

Background

At its meeting on 11 December 2012, Council considered a report on feasibility of establishing a mobile playgroup service in the City of Ryde and resolved the following:

- *That Council notes the report into mobile playgroups and acknowledges the positive benefits that mobile playgroups can have. In principle support is given to the mobile playgroups, subject to appropriate funding arrangements. To this end, Council requests the General Manager to:*
 - *Apply to both State and Federal Governments for grant options and seek other funding options as detailed in the report to fund a mobile playgroup in the Ryde LGA; and*
 - *Write to Anthony Roberts and Victor Dominello seeking their support for a funding application*

Discussion

Funding Arrangements

Staff investigation into available funding opportunities has not identified any new sources of funding for operating mobile playgroups. Where playgroups (mobile or centre based) are funded by state and federal agencies, the service is targeted towards meeting specific needs and/or in remote areas where there are established gaps in early childhood services.

Staff concentrated on re-directing existing funding which Council has been allocated by Department of Education and Communities towards delivering vacation care services, now delivered by local schools, towards delivering a mobile playgroup service.

After discussions with Departmental staff, a formal proposal (ATTACHMENT 4) was submitted to Department of Education and Communities seeking their agreement to transfer the funding Council receives towards the operation of its vacation care service as a contribution towards the costs of delivering the proposed Mobile Playgroup service in the City of Ryde.

This proposal was rejected by the Department in a letter (ATTACHMENT 1) dated 5 March 2013. The letter provided no assessment or comment on the merit of the proposal and cited administrative reasons for the proposal not being supported. The letter further states there is no alternate funding available to support a playgroup.

The Office of Education has only recently become responsible for the administration of this program, and does not appear to have assessed Council's proposal in relation to community need and its value to local families. Council has received no correspondence to indicate there has been a change to the Program Specifications.

ITEM 7 (continued)

This is concerning because:

- the Ryde LGA and local families will be losing this funding
- due to a potential oversight by the Department (as a result of the recent reallocation of program responsibilities) Council's proposal was not assessed based on the community benefit and meeting local needs.

Council has made attempts to have the proposal assessed on its merits and is still awaiting the outcome of this request.

Seeking support from Anthony Roberts MP and Victor Dominello MP

Following the submission of the formal proposal to DEC staff wrote to both local Members of Parliament Mr Dominello and Mr Roberts seeking their support for Council's proposal on 19 February 2013. No response has been received to date.

Following receipt of the Department's letter, a subsequent letter was written to Mr Dominello (ATTACHMENT 2), outlining Council's concerns that the Ryde community was losing funding for seemingly administrative rigidity with no assessment of local needs, merit of the proposed service and its benefits for local families. Council has not yet received a reply.

Identifying Potential Partners for Delivering a Mobile Playgroup Service:

In order to ascertain whether there would be any locally based Not-for Profit (NFP) organisations interested and capable to enter into partnership arrangements with Council to run a potential mobile playgroup service, a Request for Proposal (RFP) process was initiated.

The RFP was advertised for operating a 3-session per-week service and the process was successful in identifying a preferred locally based organisation that could enter into a potential partnership with Council for the purpose of delivering a mobile playgroup service. The RFP assessment process has been finalised and the panel has formed recommendations for Council's consideration.

The RFP did not identify a significant saving for operational costs of a mobile playgroup service when compared with staff estimates. It did however highlight the potential benefits of combining a mobile playgroup service with existing child and family services.

A Potential Model for a Mobile Playgroup Service in Ryde LGA

If Council were of a mind to proceed to fund operation of a mobile playgroup service from general revenue, taking into account financial, service planning and delivery considerations it is deemed prudent to operate a 3-session per week service in partnership with a locally based child & family specialist NFP organisation.

The section below outlines how a potential playgroup service could be designed, programmed and operated.

ITEM 7 (continued)

Potential Service Objectives:

To ensure alignment with the Ryde 2021 Community Strategic Plan specifically the City of Wellbeing Outcome; *a healthy community, with all supported throughout their life by services, facilities and people*, it is proposed that if the service were to proceed, it be designed and programmed to meet with following objectives:

- To connect families with children together in their neighbourhoods and to improve community cohesion and wellbeing at a local level
- To provide opportunities for children's social, emotional, physical and psychological development
- To provide parenting support and information
- To be a point of introduction to a range of other services available for families such as; library services, recreation services, parenting and child development services.

Potential Service Specifications:

A potential mobile playgroup service could be developed based on the following specifications:

- Regular sessions in nominated parks with easy access to amenities, shade and accessible to prams
- Minimum of two staff at each session, with at least one of those holding appropriate qualifications
- Programming based on the Early Years Learning Framework
- Links and access to other relevant services for families
- Designed to allow all families to participate with an inclusive culture
- Open attendance and no obligation for minimum level of attendance
- No limit on the number of families attending a session
- Access to information and promotion of other available services/programs for families and children such as library services, sport and recreation, childcare, parenting and child development
- Operate two-hour sessions in the morning
- Operating only in acceptable weather conditions, (service does not operate when wet or extremely hot)
- Service available to families with children aged 0-11years
- Operate 48 weeks a year including school holidays

ITEM 7 (continued)

Proposed Locations:

The report submitted to Council in December included analysis, used to determine suitable parks that could support provision of a potential mobile playgroup service. The analysis indicated six suitable parks (locations) that could support operation of a mobile playgroup and that are in relative proximity to where the target age groups live.

The parks (locations) are listed in the table below by order of priority.

Park Name	Address	Location	Toilet	Play equip	Shade	Transport	Comments
Darvall	West Ryde Chatham Rd,	West	✓	✓	✓	Train/Bus	park with good facilities located near high levels of 0-4 years
Blenheim	North Ryde Epping Rd,	East	✓	✓	✓	Bus	Park with good facilities located near high levels of 0-4 years
Ryde	Ryde Blaxland Rd,	Central	✓	✓	✓	Top Ryder bus Bus (STA)	Central park, Accessible from various locations particularly from Gladesville by Top Ryder Bus.
Waterloo	Marsfield Waterloo Rd,	West	✓	✓	✓	Bus/Train Delhi Rd Station	Park with good facilities located near high levels of 0-4 years
Jim Walsh	Eastwood Graham Ave	West	✓	✓	✓	Bus	Park with good facilities located near high levels of 0-4 years.
Meadowbank	Meadowbank Constitution Rd	Central	✓	✓	✓	-	Park with good facilities however not in an area with high levels of 0-4 years. And not suited for access by public transport or on foot from West Ryde

For a potential playgroup service operating 3-sessions a week, the top 3 parks listed in the table are deemed the most suitable locations.

ITEM 7 (continued)

Potential Operating Models:

Two options are presented in this report for the delivery of a potential mobile playgroup service:

- Option 1 Operated and delivered directly by Council,
- Option 2 Delivered in partnership with a specialist child and family, not-for-profit organisation.

Option 1 Operated and Delivered Directly by Council:

Council could potentially set up and deliver the service directly. Whilst Council would be capable and able to do so, this would be a new experience for Council as City of Ryde does not currently provide children services and has historically provided support to the not-for-profit sector to provide direct services to the community.

Provision of a direct child related service is resource intensive and requires significant management oversight. In the absence of an established structure, there would be an opportunity cost in the re-direction of existing resources to manage administration and risks associated with the service.

This option would require:

- Addition of 2 part-time staff to the organisational structure
- Establishment of staffing back up (casual pool)
- Establishment of appropriate organisational structure within the Community and Culture unit to support delivery of this service
- Development of appropriate networks to link the service with the child and family sector operating in the City.

Enabling Option 1

If Council were of a mind to commence operation of a mobile playgroup service it is considered that providing a 3-session per week service would be a prudent approach both from a financial, service planning and delivery perspectives.

Should Council wish to proceed with operating a direct service, the following would be required:

1. That Council endorse the proposed 3- sessions a week service (one session in each of the 3 sites), and request the General Manager to include an allowance of \$121,000 of capital funding and \$71,000 of operating costs to fund the commencement of the service in the draft 2013/14 Delivery Plan.
2. That Council endorse the increase in Council's establishment of two part time staff to deliver this service which will be managed out of the Community and Culture unit within the Community Life Group.
3. That Council confirm the following locations for the delivery of the service:
 - a. Blenheim Park North Ryde
 - b. Dar vall Park West Ryde
 - c. Ryde Park Ryde

ITEM 7 (continued)

4. That Council endorse November 2013 as the proposed timeframe for the commencement of the service.

Option 2 Delivered in Partnership with a Not-for-Profit Organisation:

This operating model would entail negotiating a formal partnership arrangement with a locally based, child and family specialist organisation identified through the Request for Proposal process. This formal agreement would be for a set period of time, with scheduled review points.

The formal arrangements could include an agreement outlining Council's objectives, service specifications, operational milestones, key performance indicators, an evaluation methodology and regular progress reports.

This Operating model has been identified as a viable choice for Council based on the following reasons:

- Establishment of the mobile playgroup service in partnership could be more successful and efficient due to the existing experience and frameworks in development, risk management and quality assurance of child and family services.
- A service whose core business is based on child and family development may offer a policy and developmental framework informed by cumulative knowledge in better practice, experience and could leverage existing family support networks for the benefit of families.
- Potential cost effectiveness based on negotiations with a preferred organisation identified through the Request for Proposal.
- The partnership model of delivery would enable Council to strengthen the not-for profit sector, as well as direct its limited resources to other sector development activities.

Enabling Option 2:

If Council were of a mind to commence operation of a mobile playgroup service it is considered that providing a 3 session per week service would be a prudent approach both from a financial and service planning and delivery perspective.

Should Council wish to proceed with operating a service under a partnership arrangement the following would be required:

1. That Council endorse the proposed 3- sessions a week service 3- sessions a week service (one session in each of the 3 sites), and request the Acting General Manager to include an allowance of \$121,000 of capital funding and \$71,000 of operating costs to fund the commencement of the service in the draft 2013/14 Delivery Plan, recognising this would be the maximum funding required.

ITEM 7 (continued)

2. That Council receive a report on the result of the Request for Proposal finalised in March 2013 to endorse a potential partner NFP organisation to enter into formal negotiations with in delivery of a mobile playgroup service.
3. That Council confirm the following locations for delivering a mobile playgroup service:
 - a. Blenheim Park North Ryde
 - b. Darvall Park West Ryde
 - c. Ryde Park Ryde
4. That Council endorse November 2013 as the proposed date for the commencement of the service.

Financial Implications

Operating a mobile playgroup service would be a new service and as such is not funded in Council's delivery plan. If this service was to proceed (under any of the operating models) it would have to be considered in the 2013/14 financial year budgetary process and the service costs would need to be allocated in the draft 2013/14 Delivery Plan.

The costs would include an allowance for \$121,000 of capital funding and annual operating costs of \$71,000.

If Council were successful in retaining the funding of \$55,000 from the Office of Education, to operate this service, the annual operating cost to Council would be reduced to \$16,000 plus the one-off capital set up costs.

If Council were of a mind to proceed with establishing the Service, the associated costs may be funded as follows:

- one-off capital expenditure will be funded from the Playground Renewal Project funds, noting that this will reduce the number and/or scope of playground renewal projects in 2013-14.
- on-going operating costs will be funded through organisational savings within the Delivery Plan.

Section below details the set-up and operating costs associated with establishing a potential 3-session per week mobile playgroup service.

Start-up requirements:

To start a mobile playgroup service the following is required:

- Purchase of suitable and safe vehicle
- Modification of vehicle for storage of required resources, equipment and toys
- Purchase of resources, equipment and toys
- Development of operating policies and procedure
- Branding and promotion:

ITEM 7 (continued)

A significant advantage of a mobile service is its visibility within the community. Signage would need to attract attention, be inclusive, connect with Council's brand and be associated with fun experiences for children.

Financial Implications start-up

Capital/Start up	
Small Truck	50,000
Cab	30,000
Vehicle purchase	80,000
Internal modification	15,000
Total vehicle	95,000
Resources	15,000
Contingency 10%	11,000
Total Capital	\$121,000

Financial Implications Operating

The annual estimated operating costs of a 3-session per week service, with 2-hour sessions, 48 weeks per year is outlined in the table below.

3 Sessions per Week

Annual Operating Budget	Estimate
Vehicle maintenance, Fuel, Replacement (internal cost)	2,700
Materials	1,000
Equipment	5,000
Telecommunications	400
Publications & Subscriptions	200
Printing & Distribution	1,000
Marketing Promotions	2,000
Casual Staff	2,088
Ordinary Salaries & Wages	56,150
Overtime	0
	\$70,538

Note 1: Given the nature of the proposed service the vehicle would travel short distances, hence reducing the rate of deterioration. It is expected that the vehicle would not need to be replaced for at least 10 years if operating 5 sessions per week. The replacement could be pushed beyond 10 years if it operated 3 sessions per week.

Note 2: These are costs are expected to rise by CPI and relevant Award increases annually

ITEM 7 (continued)

Timeframe for Commencement:

The estimated establishment timeframe, given that the RFP process has been undertaken, is 6 months. Should Council resolve to deliver a mobile playgroup service, it is anticipated that the service could commence in November 2013.

Factors considered in setting the timeframe include:

- Recruitment of staff and development of policy and procedures or
- Council's endorsement of a partner organisation and negotiation of service specifications
- Purchase of appropriate vehicle, modification, branding
- Purchase of resources
- Promotion and community engagement.

Naming and Branding:

The branding of the vehicle and naming of the service would be key components of the operational success of a potential mobile playgroup service. A well-chosen name and logo would play a significant part in attracting families to the service, as well as engender a positive image and feeling in the community.

It is proposed that the vehicle would be named as part of a community engagement process, which could involve a competition or voting. Should Council resolve to proceed with the Service an appropriate community engagement process will be designed and implemented.

ITEM 7 (continued)

ATTACHMENT 1



Early Childhood Education and Care



DOC 13/78741

Mr Jonathan Nanlohy
Coordinator Community Projects (Sector Development)
Ryde City Council
Locked Bag 2069
North Ryde NSW 1670

Dear Mr Nanlohy,

Thank you for providing a detailed proposal outlining Ryde City Council's intention to establish a mobile playgroup service. I understand that Council seeks approval from the Department of Education and Communities to utilise funding provided for vacation care services, towards delivering a mobile playgroup service.

Unfortunately the Department cannot agree to funds intended for one program being transferred to an alternative program. Furthermore there is no funding currently available to fund mobile playgroup services.

Ryde City Council will receive \$55,838 from the Department this financial year for a vacation care program. I understand from your proposal that the Council-run vacation care program has been handed over to a local school's parent and citizens association. In this case any unexpended funding being held by the Council for this purpose will need to be returned to the Department.

Should you wish to discuss the process of returning any unexpended funds to the Department please contact John McInerney, Senior Project Officer on 9244 5821.

Yours sincerely



Ruth Callaghan
General Manager
Early Childhood Education and Care
4 March 2013

ITEM 7 (continued)

ATTACHMENT 2

The Hon. V.M. Dominello, MP.
Minister for Citizenship and Communities, and Minister for Aboriginal Affairs
Member for Ryde
Suite 202 Ground Floor
5-9 Devlin Street
RYDE NSW 2112

5 April 2013

Our ref: D2013/0027911

Dear Mr Dominello

RE: Support to Fund the Establishment of A Mobile Playgroup Service In The Ryde LGA.

Following Council's correspondence with you in February, seeking your support to establish a mobile playgroup, we received a response on 5 March 2013 from the Office of Education refusing Council's proposal.

The letter (attached) provides no assessment or comment on the merit of the proposal and cites administrative reasons for the proposal not being supported. The letter further states there is no alternate funding available to support a playgroup.

The Department draws the conclusion that if Council no longer intends to provide vacation care, funding totalling \$55,000 will need to be returned.

Previously, the funding agreement supporting the vacation care program was administered by the NSW Department of Family and Community Services (DFCS). The 'Children's Services Program Specifications' supports the agreement between Council and DFCS, establishing the criteria under which children's services should be provided to the community.

The purpose of the Children's Services Program was to support a range of services, not specifically vacation care. Although Council's previous application was for vacation care, it is unclear, given the stated aims of the Children's Services Program, why the Department is unable to consider a revised use of the funding, particularly when it clearly meets the service specifications.

The Office of Education has only recently become responsible for the administration of this program, and may not have assessed Council's proposal in accordance with the established 'Children's Services Program Specifications'. Council has received no correspondence to indicate there has been a change to the Program Specifications.

ITEM 7 (continued)

ATTACHMENT 2

Council's concerns are twofold:

- 1) that the Ryde LGA and local families will be losing this funding
- 2) that due to an oversight by the Department (as a result of the recent reallocation of program responsibilities) Council's proposal was not assessed according to the purpose of the Children's Services Program.

The NSW government funds a number of mobile playgroups, very similar to the one proposed by Council because their benefit to the community and families with young children is well established.

I appreciate your assistance in retaining this funding for families and children in Ryde LGA and your assistance to Council in having this proposal assessed on its merits.

Baharak Sahebekhtiari, Council's Manager Community and Culture can provide more information and detail on the proposed Service and can be contacted via phone on 9952 8310 or by email bsahebekhtiari@ryde.nsw.gov.au.

Yours Sincerely

Tatjana Domazet
A/Group Manager Community Life

ITEM 7 (continued)

ATTACHMENT 3

PROPOSAL- Establishment of A Mobile Playgroup Service

The intent of this proposal is to seek the Department's agreement for Council to utilise the funds allocated to it towards the cost of delivering vacation care services, towards delivering a mobile playgroup service.

The objectives of the funding agreement between the Department and Council were to support families with children in the City of Ryde and to ensure that gaps in children services were covered. The delivery of the proposed mobile playgroup service aligns to these objectives, it provides much needed support to local families with children 0-11 years old and meets an identified local need.

City of Ryde is considering establishing a mobile playgroup with the following objectives:

- To connect families with children together in their neighbourhoods and to improve community cohesion and wellbeing at a local level
- To provide opportunities for children's social, emotional, physical and psychological development
- To provide parenting support and information
- To be a point of introduction to a range of other services available for families such as; library services, recreation services, parenting and child development services

This proposal outlines the research and planning leading to Council's decision to pursue establishment of a mobile playgroup service in Ryde Local Government Area.

Council ceased operating its vacation care services recently because the local schools and their Parent & Citizens Associations (P&C), where Council's service was operating from, decided to operate their own services. The P&C and the schools requested that Council support their not-for-profit ventures to provide services to the school community. Fundamental to Council's business model is that Council does not compete with the NFP sector for direct service delivery when there is a NFP provider available. As a result, Council supported the transition of the vacation care program to the NFP organisations and provided support and training to ensure a sustainable and effective transition.

Partnership proposal to Department of Education and Communities

Council seeks an in principle approval with the Department of Education and Communities (DEC) to negotiate with Funding Program staff for the transfer of funding Council receives of \$53,000 per annum from DEC towards the operation of its vacation care service be transferred as a contribution towards the costs of delivering the proposed Mobile Playgroup service in the City of Ryde.

ITEM 7 (continued)

ATTACHMENT 3

CHANGE IN THE CITY OF RYDE

The City of Ryde is undergoing a process of considerable demographic changes. Households with young children make up 21% of all households. Households are paying higher mortgages and rent. Low income households are higher than the greater Sydney average. More householders are living in medium and high density housing. The cultural diversity is increasing along with poor English language skills. In specific areas of Ryde the SIEFA level index shows more disadvantage than the greater Sydney average. These changes detailed in *Change in the City of Ryde* page 12.

RESPONDING TO CHANGE: Partnerships and Capacity Building

Flexibility is necessary in the planning and delivery of services to effectively meet the gaps in service provision caused by changing needs. Both the City of Ryde's Strategic Planning and Business approach have a focus on working in partnership with the Not For Profit (NFP) sector to meet the challenge head on. This approach has the added benefit of Council facilitating and diversifying the pool of stakeholders, and potential partners, with the capacity to respond quickly to changing needs. A good example of City of Ryde's approach is highlighted by Council's response to the NFP sector desire to run and operate Council run and FACS' funded Vacation Care program. Fundamental to Council's business model is that Council does not compete with the NFP sector for direct service delivery when there is a NFP provider available. As a result, Council supported the transition of the vacation care program to the NFP organisations and provided support and training to ensure a sustainable and effective transition

MOBILE PLAYGROUPS: Partnership Response to Changing Family Service Needs

Council has researched the changing nature of it's young families in Ryde and explored a variety of service provision approaches that address both the culturally and socio-economically diverse families with young children who are socially isolated and fail to access centre based services. In conducting its research Council concluded that the Mobile Playgroup service model was best suited to engaging with residents in Ryde's growing areas of medium/high density accommodation.

Council looked intensively at the operations of seven mobile playgroups services operating in Sydney and from those findings developed a potential model for a Mobile Playgroup Service in Ryde. A detailed account of the research and modelling, conducted in the preparation of a report to Council for the *Establishment of a Mobile Playgroup Service in the City of Ryde*, follows later in this proposal.

MOBILE PLAYGROUP SERVICE: a Partnership Proposal

The City of Ryde seeks to create a partnership between Council, State Government and the child and family service sector, to establish a mobile playgroup service in the City of Ryde subject to appropriate funding arrangements.

Council is considering an allowance of \$121,000 for capital funding towards the establishment of mobile playgroup service and at the time of writing conducting an Request For Proposal to identify potential community based partners in delivering this service. Council will also seek the availability of sponsorship opportunities for the service.

ITEM 7 (continued)

ATTACHMENT 3

BACKGROUND

At the City of Ryde Council Meeting on 11 December 2012, Council considered a report on the *Establishment of a Mobile Playgroup Service in the City of Ryde*. The report provided in-depth modelling and costings for the establishment of a mobile playgroup service. After considering the report Council resolved :

That Council notes the report into mobile playgroups and acknowledges the positive benefits that mobile playgroups can have. In principle support is given to the mobile playgroups, subject to appropriate funding arrangements. To this end, Council requests the General Manager to:

- (a) Apply to both State and Federal Governments for grant options and seek other funding options as detailed in the report to fund a mobile playgroup in the Ryde LGA; and
- (b) Write to Anthony Roberts and Victor Dominello seeking their support for a funding application.

MODELLING FOR MOBILE PLAYGROUP SERVICE IN THE CITY OF RYDE

The steps in the research and modelling conducted by Council staff in the preparation of the report on the Establishment Mobile Playgroup Service in the City of Ryde are provided below. The full report considered by the City of Ryde Council on this topic can be viewed on Council's website

http://www.ryde.nsw.gov.au/Documents/Mtg-Council2012/gm2312_111212a.pdf

1. Research

Seven established mobile playgroups were reviewed by Council staff. Of these, four are managed by local governments and three are managed by not-for-profit organisations (List **ATTACHED**). A review of the research into the general benefits of mobile playgroups was also conducted.

2. How could mobile playgroups work in Ryde?

Ryde has a diverse population both from a cultural perspective, as well as a socio-economic perspective. Review of services in other areas where mobile playgroups currently operate showed that, mobile playgroups in parks provide a valuable service model that engages a diverse group of people who may not have otherwise accessed a centre-based service. The combination of being in open-space, facilitated by qualified staff and not requiring registration, creates a space that is accessible and inviting to a wide range of families from diverse backgrounds.

The experiences of other areas have also shown that a mobile service is successful in engaging and connecting residents in medium/high density accommodation.

In Ryde LGA, there are a number of medium/high density residential developments where residents have limited access to open space, may not know each other and may have limited support networks. A mobile playgroup service in these neighbourhoods could increasingly benefit families.

ITEM 7 (continued)

ATTACHMENT 3



Last year the Ryde Child and Family Interagency, (a network of local services), as part of its planning, identified mobile children services as an appropriate response to support families with young children, provide access to information and connect families to services they require.

The Children's Play Implementation Plan, which Council has endorsed for public exhibition, mentions provision of mobile play opportunities in two recommended actions reproduced below:

- Consider mobile play or pop-up play to enhance the play experience to every day playgrounds, schools and parks (recommendation 9.3 page 57).
- Consider mobile play programs as a cost effective way to provide a diversity of play experience to all (recommendation 11.8 page 61).

3. Features of Successful Mobile Playgroups

As part of the preparation of this report staff have undertaken a review of mobile playgroups offered by other organisations, as well as research into best practice. This review indicates the following features for a successful mobile playgroup service:

- Regular sessions in nominated locations/parks
- Minimum of two staff at each session, with at least one of those holding appropriate qualifications
- Programming based on the Early Years Learning Framework
- Links and access to other relevant services for families
- Designed to allow all families to participate and an inclusive culture
- Open attendance and no obligation for minimum level of attendance
- No limit on the number of families attending a session
- Access to information and promotion of other available services/programs for families and children such as library services, sport and recreation, childcare, parenting and child development
- Sessions in the morning
- Locations in parks with easy access to amenities, shade and accessible to prams
- Operating only in acceptable weather- services do not operate when wet or extremely hot
- Session times:

6 out of 7 playgroups reviewed (ATTACHED) operate in two-hour sessions; this is also the case for most centre based playgroups.



ITEM 7 (continued)

ATTACHMENT 3



The Magic Yellow Bus in Marrickville operates three-hour sessions with an average attendance of 160 people per session.

- Target age groups:

5 out of 7 playgroups reviewed only operated during school terms targeting families with children aged 0-5 years old.

Marrickville Council operates its Magic Yellow Bus 48 weeks a year and provides age appropriate programming during school holidays for children aged 5-11 as well. Ashfield Council also operates during school holidays.

Providing a service over this timeframe is of benefit to families with younger and school aged children. This benefit may be attributable to the increased availability of the service, particularly during school holidays, as most services only operate during school terms. A mobile playgroup available during school holidays could provide consistent interaction for parents and children, and provide greater choice for parents during school holidays.

4. Location

Proposed Locations:

To determine suitable locations that could support provision of a potential mobile playgroup service the following analysis was undertaken. Maps depicting the criteria used for analysis are (**ATTACHED**) for information.

Criteria for selecting a suitable park:

Based on the review of other services, minimum requirements for suitable parks include; availability of shade, access to amenities, access for prams and the capacity to accommodate the playgroup vehicle.

In addition to the park criteria the following factors were considered:

- Demographics: population of 0-4 year olds and then 5-11 year olds
- Accessibility to parks on foot from residential areas
- Availability of existing centre-based playgroups
- Public transport ease of access
- Good distribution across the City area

Consideration has also been given to areas that are projected to experience additional residential density.



ITEM 7 (continued)

ATTACHMENT 3



Demographic Analysis- Table below highlights the suburbs within the City with the highest numbers of the target age groups and availability of centre based playgroups.

Suburb	Number of 0-4	Number of 5-11	Centre Based Playgroups
West Ryde	780	845	6 sessions per week
Marsfield	701	643	4 sessions per week
North Ryde - Chatswood West	663	930	4 sessions per week
Eastwood	625	893	5 sessions per week
Gladesville - Tennyson Point	620	780	0
Meadowbank	362	249	2 sessions per week

Meadowbank was analysed as it includes higher density accommodation however when compared to other areas, its current population of children under 5 is considerably lower.

Parks

The table below lists six suitable parks (locations) that could support operation of a mobile playgroup and that are in relative proximity to where the target age groups live.

The parks (locations) are listed in the order of priority.

Park Name	Address	Location	Toilet	Play equip	Shade	Transport	Comments
Darvall	West Ryde Chatham Rd,	West	✓	✓	✓	Train/Bus	park with good facilities located near high levels of 0-4 years
Blenheim	North Ryde Epping Rd,	East	✓	✓	✓	Bus	Park with good facilities located near high levels of 0-4 years
Ryde	Ryde Blaxland Rd,	Central	✓	✓	✓	Top Ryder bus Bus (STA)	Central park, Accessible from various locations particularly from Gladesville by

ITEM 7 (continued)

ATTACHMENT 3

Park Name	Address	Location	Toilet	Play equip	Shade	Transport	Comments
							Top Ryder Bus.
Waterloo	Marsfield Waterloo Rd,	West	✓	✓	✓	Bus/Train Delhi Rd Station	Park with good facilities located near high levels of 0-4 years
Jim Walsh	Eastwood Graham Ave	West	✓	✓	✓	Bus	Park with good facilities located near high levels of 0-4 years.
Meadowbank	Meadowbank Constitution Rd	Central	✓	✓	✓	-	Park with good facilities however not in an area with high levels of 0-4 years. And not suited for access by public transport or on foot from West Ryde

Gladesville has been identified as an area that would benefit from a mobile playgroup; however, there is no suitable park currently in the area. However Ryde Park is accessible from Gladesville via the Top Ryder bus service.

Preferred locations for Mobile Playgroups

After consideration of the above the following locations were nominated

That Council confirm the nomination of the following locations for the delivery of the service:

1. Blenheim Park North Ryde
2. Darvall Park West Ryde
3. Ryde Park Ryde

5. Strategic Context

The Ryde 2021 Community Strategic Plan outlines the community's aspirations for the City. Provision of a mobile playgroup service could advance three goals outlined within the Plan:

City of Wellbeing Outcome

- *Goal three: Residents feel secure and included in an environment where they can connect socially and are supported by their neighbours*

ITEM 7 (continued)

ATTACHMENT 3



- *Goal Two; all residents feel supported and cared for in their community through the provision of ample services and facilities*

•

City of Harmony and Culture Outcome

- *Goal One; Our residents are proud of their diverse community, celebrating their similarities and differences*

6. Council's Business Approach

City of Ryde's business approach has been predominantly to support the community service sector to deliver direct services. There are a number of reasons why this has been the preferred model, including:

- Most service providers have as their reason for being the delivery of services, and the organisation is primarily set up or structured for these purposes
- Community members accessing one service can often be readily connected to other services provided within the same organisation
- The community sector is more likely to attract state and federal funding for community service activities.

The City of Ryde supports and enhances the activities of the community service sector by providing:

- Research and analysis of community needs
- Grant funding that supports a range of community services
- Community referrals
- Subsidised accommodation
- Capacity building opportunities for community service organisations to develop and support governance structures, as well as assistance in advocacy and project development; and
- An overall strategic direction for community aspirations in the City.

ITEM 7 (continued)

ATTACHMENT 3



7. A Potential Model for a Mobile Playgroup Service in Ryde LGA

A mobile playgroup service could be developed based on the features outlined earlier, operating two-hourly sessions and be available during school holidays for the City of Ryde.

To ensure alignment with the Ryde 2021 Community Strategic Plan specifically the City of Wellbeing Outcome; *a healthy community, with all supported throughout their life by services, facilities and people*, it is proposed that the service be designed and programmed to meet with following objectives:

- To connect families with children together in their neighbourhoods and to improve community cohesion and wellbeing at a local level
- To provide opportunities for children's social, emotional, physical and psychological development
- To provide parenting support and information
- To be a point of introduction to a range of other services available for families such as; library services, recreation services, parenting and child development services

8. Financial Impact of a 3 sessions per week Service

Start-up requirements:

To start a mobile playgroup service the following is required:

- Purchase of suitable and safe vehicle
- Modification of vehicle for storage of required resources, equipment and toys
- Purchase of resources, equipment and toys
- Development of operating policies and procedure
- Branding and promotion:

Financial Implications start-up

If this service was to proceed in the timeframe nominated in the previous Council resolution, these costs would need to be allocated in the draft 2013/14 Delivery Plan.

Capital/Start up	
Small Truck	50,000
Cab	30,000
Vehicle purchase	80,000
Internal modification	15,000
Total vehicle	95,000
Resources	15,000
Contingency 10%	11,000
Total Capital	\$121,000

ITEM 7 (continued)

ATTACHMENT 3



3 Sessions per Week

Annual Operating Budget	Estimate
Vehicle maintenance, Fuel, Replacement (internal cost)	2,700
Materials	1,000
Equipment	5,000
Telecommunications	400
Publications & Subscriptions	200
Printing & Distribution	1,000
Marketing Promotions	2,000
Casual Staff	2,088
Ordinary Salaries & Wages	56,150
Overtime	0
	\$70,538

Note: Given the nature of the proposed service the vehicle would travel short distances, hence reducing the rate of deterioration. It is expected that the vehicle would not need to be replaced for at least 10 years if operating 5 sessions per week. The replacement could be pushed beyond 10 years if it operated less than 5 sessions.

After Council considered and costed a range of service options including both 5 and 2 day service delivery it concluded that providing a 3-session per week service would be a prudent approach both from a financial, service planning and delivery perspectives.

9. Government Funding Opportunities:

Council research has identified that most playgroups are funded by the State government under its community and family portfolios. Most playgroups funded over the last few years in NSW target vulnerable families, are based on offer of specific developmental support and require registration and follow up for families.

There are a number of historical funding arrangements that date back to earlier policies of the government which are offered on an annual basis.

Other Councils currently running similar services that were reviewed as part of the preparation of this report, fund their mobile playgroup services from general revenue, with



ITEM 7 (continued)

ATTACHMENT 3



the exception of Marrickville, which receives funding from state government based on historical arrangements.

Under similar historical arrangements, the City of Ryde received funding of \$53,055 per annum from the State government towards the operation of its vacation care service. Council staff will commence to negotiate with the department that issued these funds, in order to retain this amount to offset the cost of delivering and operating a mobile playgroup service

10. Other Funding Opportunities:

Should Council proceed with delivering a mobile playgroup service, other opportunities that could be explored to reduce Council's costs include:

- Private sector sponsorship of the service
- Charging an annual registration fee: this would be an annual payment per family to attend the playgroup. Playgroup NSW charges an annual membership fee of \$39. A similar fee could apply to the Council's service.

ITEM 7 (continued)

ATTACHMENT 3



CHANGE IN THE CITY OF RYDE

Change measures taken from City of Ryde's id. Community Profile

- *Households with children*
 - 18.5 % of the population couples with young children
 - 2.5% of the population single parents with young children
- *Housing*
 - 41.2% of households with a mortgage were making high loan repayments of \$2,600
 - 37.8% highest paying mortgage Quartile (6% higher than the Greater Sydney average)
 - 28.1% of households renting (3% higher than Greater Sydney average)
 - 39.9% of renting households were paying more than \$400 per week in rent.
 - 4.7% of population in social housing (.2% increase from 2006)
 - Significant changes to dwelling approvals (1,000 approvals for 2011-12) with 85% of approvals for other dwelling (units, townhouses etc.) and 15% for House approvals. Compared to 2008-09 when only a total of 215 approvals for houses and other dwellings.
- *Cultural diversity:*
 - 36.5% of the population from CALD backgrounds (10% higher than Greater Sydney average)
 - 6.9% of the population or 7,146 people in the City of Ryde who speak another language report difficulty with speaking English (1.15 higher than the Greater Sydney average)
- *Household Income*
 - 19.0% low income households (those earning less than \$600 per week). (.7% higher compared with Greater Sydney average)
- *SEIFA*

Overall the City of Ryde scores 1,054.4 on the SEIFA index of disadvantage, indicating it is less disadvantaged than the national average. However in certain areas of Ryde such as Macquarie Park with a SIEFA index 1003.0 indicating a much greater level of disadvantage than the greater Sydney average of 1020.7 SIEFA Index. * (id. Profile City of Ryde 2013)

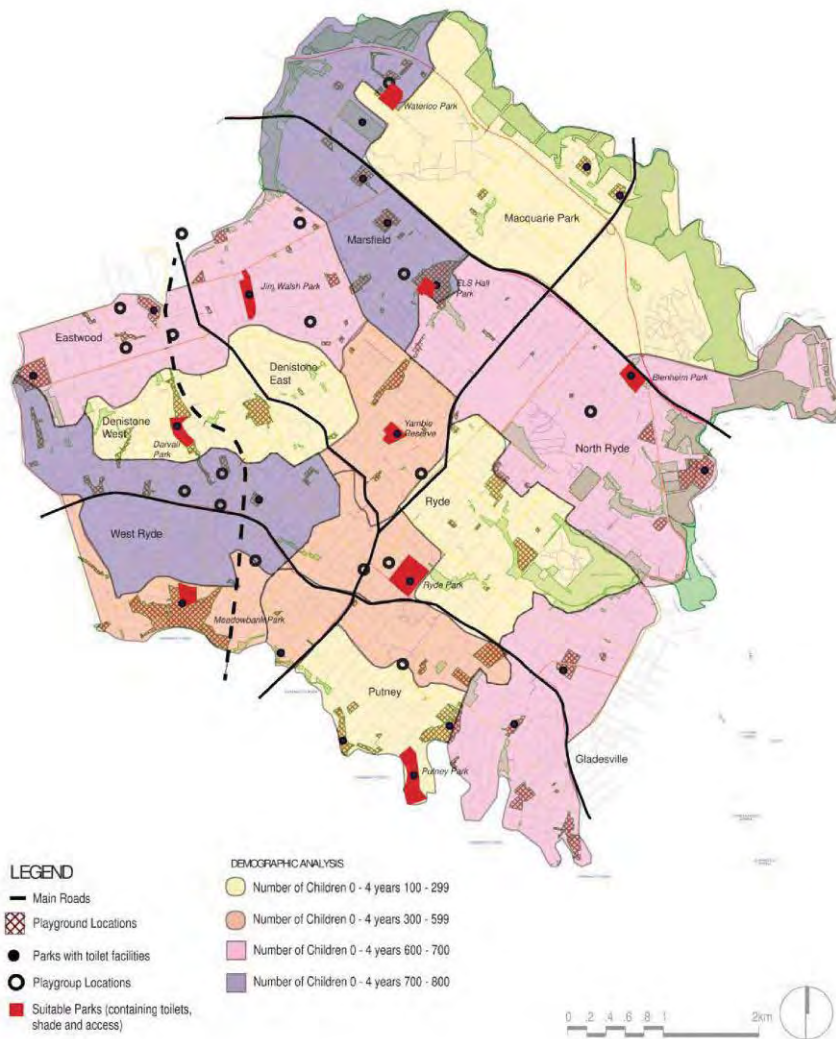


ITEM 7 (continued)

ATTACHMENT 3



Children 0 - 4 Years

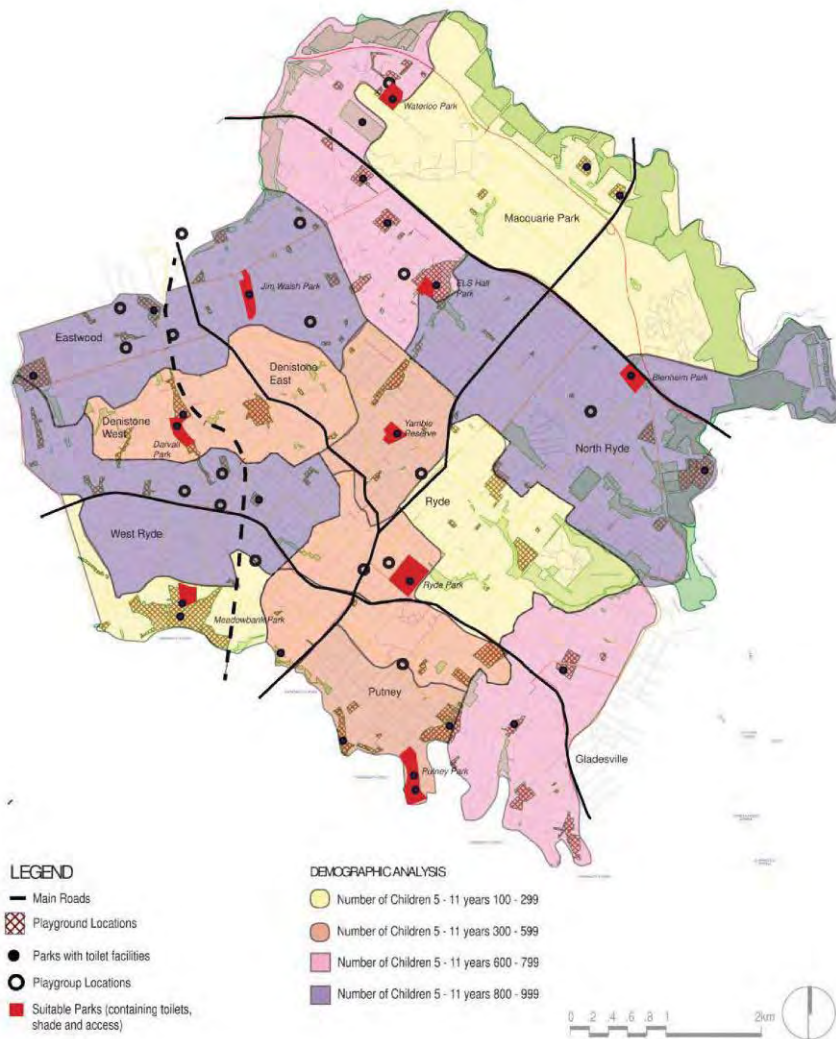


ITEM 7 (continued)

ATTACHMENT 3



Children 5 - 12 Years



ITEM 7 (continued)

Lifestyle and opportunity @ your doorstep

ATTACHMENT 3

Mobile Playgroups

List of other organisations providing mobile playgroups that were reviewed as part of the research into how mobile playgroups operate.

Organisation	Running for how long?	Funding source?	Staffing/Staff qualification and awards?	Operate during school holiday	Target group?	Sessions
Not for Profit (NFP) Save the Children Inc	20 years	Inner City Service is funded by NSW Department of Family and Community Services Western Sydney Service is self-funded by Save the Children Inc	2 staff Minimum Cert 3 in Children Services	No	General	6 sessions per week 2 hours
NFP- Gloucester Pre-School Incorporated	More than 5 years	Department of Family and Community Services Families NSW program	2 staff Minimum Cert 3 in Children Services	No	Supported playgroups	2 sessions per week 2 hours
NFP- Early Childhood Intervention Mobile Playgroup (Auburn)	7 years	Department of Family and Community Services Families NSW program	One trained with Cert 3 in Children Services and all qualified professionals such as social workers, speech therapists and counsellors	No	Children with Special needs	3 sessions per week 2 hours
Council Marrickville Magic Yellow Bus	36 years	4 sessions funded by NSW Department of Family and Community Services	32 hours for Coordinator 29 hours for staff	yes	General	5 sessions per week 3 hours
Council- Burwood Burwood's Mobile PlayVan	5-6 years	Fully funded by Council. \$5000 per year to buy new toys. Gold coin donation from parents and carers to buy play- dough and stationery.	2 staff Minimum Cert 3 in Children Services 14 hours per week for permanent part time team leader and 4 hours	No	General	2 sessions per week 2 hours

ITEM 7 (continued)

Lifestyle and opportunity @ your doorstep

ATTACHMENT 3

Organisation	Running for how long?	Funding source?	Staffing/Staff qualification and awards?	Operate during school holiday	Target group?	Sessions
			for casual assistant			
Council- Penrith Playvan	30 years	Mainly funded by Council	One Coordinator – teacher trained (22 hours) One staff- Diploma Children Services (12 hours) One staff – Cert 3 Children Services (12 hours) Coordinator must be teacher trained and staff must have minimum Cert 3 in Children Services	No	General	5 sessions per week 2 hours
Council- Ashfield in partnership with The Infants Home Childcare Centre in Ashfield Park	More than 6 years	Ashfield Council funded the program It cost 60% of Council children services budget which cover one staff salary and program develop development.	Run by childcare centre "The Infant Home" Cert 3 in Children Services and volunteers to assist with the playgroup	Yes	General	1 session per week 2 hours

8 INVESTMENT REPORT - March 2013

Report prepared by: Chief Financial Officer**File No.:** GRP/09/3/10 - BP13/547

REPORT SUMMARY

This report details Council's performance of its investment portfolio for the month of March 2013 and compares it against key benchmarks. The report includes the estimated market valuation of Council's investment portfolio, loan liabilities, an update on Council's legal action against various parties and a commentary on significant events in global financial markets.

Council's financial year to date return is 5.04%, which is 1.68% above benchmark. Income from interest on investments and proceeds from sale of investments totals \$4.1M, which is \$1.5M above original budget projections, which includes the full payment of two investments held in the Lehman / Grange IMP investment and the sale of the Oasis CDO totalling \$976k, which has been transferred into the Financial Security Reserve. The balance relates to additional interest earned on Council's Section 94 Contributions, which are projected to be \$18.80 million at 30 June 2013.

It should be noted that a separate report on this Agenda has been provided to Council relating to Council's Investment Portfolio with regards to the consolidation of investments, ratings and returns.

RECOMMENDATION:

That Council endorse the report of the Chief Financial Officer dated 10 April 2013 on Investment Report – March 2013.

ATTACHMENTS

1 Investment Report Attachment

Report Prepared By:

John Todd
Chief Financial Officer

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

ITEM 8 (continued)

Discussion

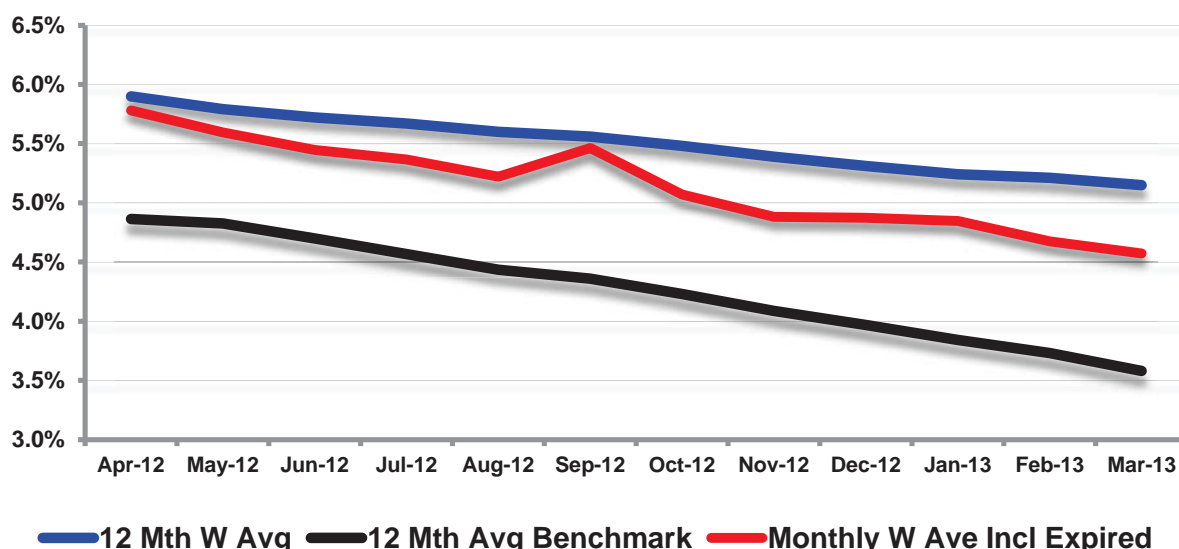
Council’s Responsible Accounting Officer, is required to report monthly on Council’s Investment Portfolio and certify that the Investments are held in accordance with Council’s Investment Policy and Section 625 of the Local Government Act.

Investment Performance Commentary

Council’s performance against the benchmark for returns of its investment portfolio for March 2013 and the past 12 months are as follows:

	Mar 2013	12 Mth	FYTD
Council Return	4.57	5.15	5.04
Benchmark	2.94	3.58	3.36
Variance	1.63	1.57	1.68

Performance - All Investments



Council’s investment portfolio as at the end of March was as follows:

Cash/Term Deposits	\$65.1M	63.8%
Floating Rate Notes	\$19.9M	19.5%
Fixed Rate Bonds	\$2.0M	1.9%
Total Cash Investments	\$87.0M	
Property	\$15.1M	14.8%
Total Investment Portfolio	\$102.1M	

Whilst the amount of investments appears high, approximately \$18.8M of the total funds held relate to Section 94 contributions.

Council continues to utilise the Federal Government’s current guarantee (\$250K) investing in Term Deposits with a range of Authorised Deposit Taking Institutions (ADI’s) on short to medium term investments (generally 30 days to six months maturity) where more competitive rates are available.

ITEM 8 (continued)

Whilst Council has moved some of its investment portfolio out to longer terms, locking in some of the returns, the majority of Council's funds are held in internal reserves. Should Council consider utilising its internal reserves, this will have a direct impact on the amount of investment income that will be realised and will require a reduction in the future projected investment income and will place pressure on Council to be able to maintain its current level of expenditure on Capital or Maintenance.

Financial Security Reserve (FSR)

The Financial Security Reserve has a balance of \$3.056M as at 31 March 2013 as detailed below:

Financial Security Reserve	(\$'000)
Balance 1 July 2012	2,064
Interest on Written Down CDO's	20
Proceeds from Sales & Maturities of Written Down CDO's	972
Balance of Financial Security Reserve	3,056

Council has resolved to transfer all proceeds and interest earned on written down investments to this reserve.

Economic Commentary

On the domestic front, the RBA kept the cash rate on hold at their April meeting. RBA Governor Stevens noted that the 175bps in cuts delivered over the previous 2 years were starting to gain traction, but noted that whilst inflation remains within the RBAs target range, there was scope for further cuts as required. It was also noted that growth is also likely to be below trend for the coming year.

The US Federal Reserve announced that it would be keeping its interest rates near zero and continuing with its bond buying program to bolster the economy until there are substantial signs of improvement. Annual GDP growth was revised to 0.1% growth in Q4 2012, up from the previous estimate of a 0.1% decline.

The Japanese central bank announced its intention to try and stimulate the growth rate by the direct purchasing of government bonds and have pledged to double its holdings of Japanese government debt. The Bank of Japan will be purchasing 7.5 trillion yen (\$74.3 billion) a month, almost triple the size of the US Federal Government's quantitative easing program as a share of the economy.

In the EU, an impending collapse across the Cypriot financial system prompted EU officials to demand a levy be raised on all depositor funds in order for the Cypriot government to receive bailout funds. This deal was rejected by the government, and a revised deal was subsequently arranged.

ITEM 8 (continued)

Across the rest of the Eurozone, the news is generally bad. Unemployment hit a record 12%, with Greece and Spain having 26.4% and 26.3% unemployment, with both trending in the wrong direction, and without their own currency to depreciate, likely to be in recession for a number of years. Key economic indicators continued to decline in line with the declining economic conditions across the entire Eurozone, with economists predicting a year of economic contraction.

Legal Issues

As previously reported to Council, the LGFS Rembrandt CDO Investment and the Grange (Lehman Brothers) IMP Investment are currently before the Courts. Council at its meeting on 17 July 2012 also endorsed being a third party to an action against the Commonwealth Bank (CBA).

The following update is provided in respect of Council's legal action in these matters due to recent developments.

Lehman / Grange IMP

On Friday 1 March, Justice Rares handed down the judgment in this matter, which was in favour of the Councils involved in this legal action. This was reported to Council in the September Investment Report. Council is still waiting for final orders to be handed down, which are expected in the near future.

Whilst this court action has been proceeding, the related investments of the Lehman / Grange IMP (Merimbula and Global Bank Note) have been finalised and paid to Council. As detailed in this report, Council has received \$752k for these investments representing full payment of the principal and interest.

LGFS – Rembrandt

On 5 November 2012 Federal Court Justice Jayne Jagot ruled that Councils were entitled to succeed in their claim for damages against LGFS, ABN AMRO and Standard & Poors (S&P). This result has vindicated Council's Investment in this product with Justice Jayne Jagot finding against LGFS, ABN AMRO and S&P had collectively been responsible for misleading and deceptive conduct and negligent misrepresentation of this investment to Councils.

On 1 March 2013, the Federal Court of Australia awarded compensation and costs to Councils against S&P. Council was awarded \$933K principal (equivalent to the balance outstanding) and \$331K in interest. Of this, 70% is payable to IMF for their funding of the legal action, resulting in a net benefit to Council of approximately \$382K, which was paid to Council 4 April 2013.

Piper Alderman are currently preparing a lump sum costs order to put before the Court, so the Court can make an order as to the quantum of legal fees and disbursements which Council may be entitled to recover from the Respondents. As at the date of this report there is no further detail as to what Council may be entitled to recover.

ITEM 8 (continued)

CBA – Oasis and Palladin

Council has endorsed Council being a third party to an action against CBA in relation to the Oasis CDO investments for \$1 million that Council has written down to zero. It is still early in this legal action being taken and no further updates have been received since last reported to Council.

Whilst Council had written off the Oasis investment, the investment had one further default until it completely defaulted. As detailed in the last investment report, Council has sold the Oasis investment at 35.7 cents in the dollar on the remaining principal of \$625k, being \$223,337. Should Council be successful in this legal action, then this will be taken into account as part of any settlement.

As part of this action, Council is also a party to action against CBA for its investment in the Palladin CDO, of which Council held \$2M. This investment defaulted in October 2008.

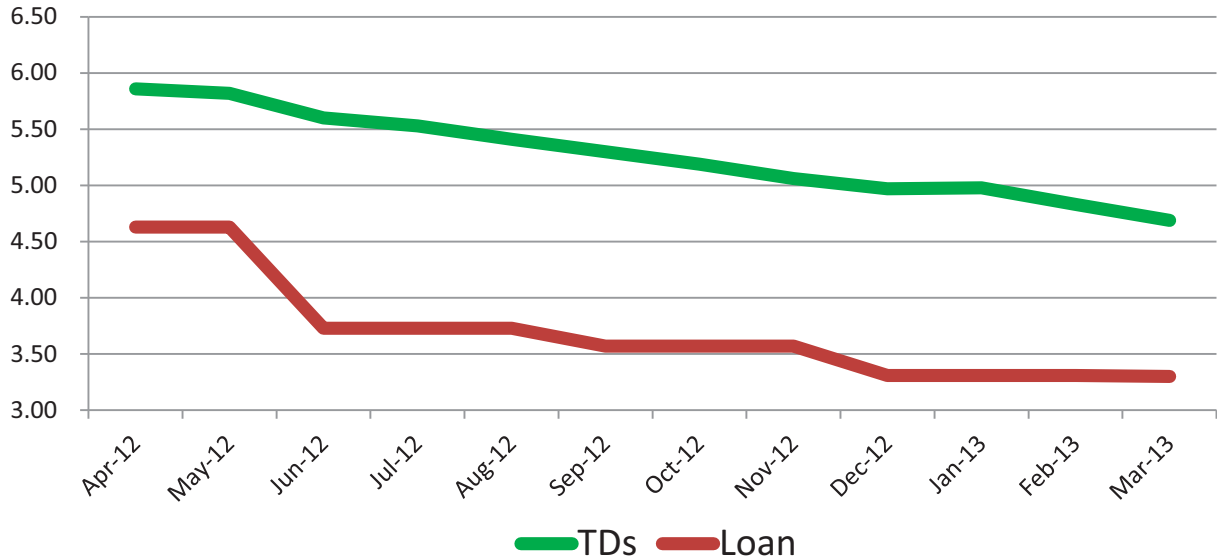
Loan Liability

Council's loan liability as at 28 March 2013 was \$3.5 million which represents the balance of one loan taken out in 2004 for the Civic Centre Redevelopment and refinancing the West Ryde Tunnel. This loan was for 15 years and was negotiated at a very attractive rate for Council at 90 Day BBSW + 20 basis points and is reset every quarter.

There is no advantage to Council in changing these arrangements or repaying this loan earlier than planned. Council is receiving a better rate of return on its investments than it is paying on the loan. The following graph shows the gap between the average interest rate earned on Council's term deposits (top line) compared to the interest rate applying to this loan (bottom line).

ITEM 8 (continued)

Term Deposits/Loan Interest Rate Comparison



Debt Service Ratio

It should be noted that whilst Council’s debt service ratio is low, all of Council’s funds are committed to operational costs and projects of a capital and non-capital nature. This means that Council does not have the capacity to take on any additional debt without a new dedicated revenue stream to fund the loan repayments or by cutting services.

Debt Service Ratio		
Cat egory 3 Councils	2010/11	2.87%
City of Ryde	2011/12	0.75%

ITEM 8 (continued)

INVESTMENT SUMMARY AS AT 31 MARCH 2013

Issuer	Investment Name	Investment Rating	Invested at 31-Mar-13 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2012	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
Westpac	1. Westpac At Call	AA-	3,416	2.90	3.42	3.30	3.93	3,416	100.00%
Westpac	2. Westpac Term Deposit 2	AA-	1,000	5.03	5.03	5.03	1.15	1,000	100.00%
Bank of Queensland	3. Bank of Queensland TD	BBB+	750	4.48	5.43	5.24	0.86	750	100.00%
CBA	4. Bankwest Term Deposit	AA-	1,000	4.07	5.36	5.12	1.15	1,000	100.00%
Westpac	5. St George Term Deposit	A+	1,000	4.40	5.06	4.95	1.15	1,000	100.00%
NAB	6. NAB Term Deposit	AA-	1,000	4.60	5.16	5.00	1.15	1,000	100.00%
Westpac	7. Westpac Term Deposit	AA-	1,000	5.15	5.15	5.15	1.15	1,000	100.00%
Westpac	8. Westpac Term Deposit	AA-	500	4.95	4.95	4.95	0.58	500	100.00%
NAB	9. NAB Term Deposit	AA-	1,000	6.60	6.60	6.60	1.15	1,000	100.00%
Westpac	10. Westpac Term Deposit	AA-	500	4.88	4.88	4.88	0.58	500	100.00%
NAB	11. NAB Term Deposit	AA-	1,000	4.70	5.10	4.98	1.15	1,000	100.00%
P&N Bank	12. P&N Bank	Unrated	500	4.24	5.07	4.85	0.58	500	100.00%
CBA	13. Bankwest TD	AA-	1,000	4.12	5.10	4.89	1.15	1,000	100.00%
CBA	14. Bankwest TD	AA-	1,000	4.23	5.00	4.68	1.15	1,000	100.00%
CBA	15. Bankwest Term Deposit	AA-	1,000	4.22	4.95	4.81	1.15	1,000	100.00%
NAB	16. NAB Term Deposit	AA-	1,000	4.72	5.21	4.99	1.15	1,000	100.00%
Defence Bank	17. Defence Bank TD	Unrated	500	4.12	5.31	5.07	0.58	500	100.00%
Railways CU	18. Railways CU	Unrated	500	4.40	5.13	4.85	0.58	500	100.00%
New England Credit Union	19. Community Mutual Group TD	Unrated	500	4.27	4.53	4.47	0.58	500	100.00%
Qld Country CU	20. Qld Country Credit Union	Unrated	500	4.36	5.35	5.23	0.58	500	100.00%
Bendigo and Adelaide Bank	21. Bendigo Bank TD	A-	1,000	4.16	5.10	4.87	1.15	1,000	100.00%
Hunter United Credit Union	22. Hunter United Credit Union TD	Unrated	500	4.30	4.84	4.73	0.58	500	100.00%
Coastline CU	23. Coastline Credit Union TD	Unrated	500	4.70	5.08	4.91	0.58	500	100.00%
Peoples Choice CU	24. Peoples Choice CU	BBB+	500	4.44	4.83	4.63	0.58	500	100.00%
Australian Defence Credit Union	25. Australian Defence CU TD	Unrated	500	4.15	5.05	4.87	0.58	500	100.00%
Rural Bank	26. Rural Bank	A-	1,000	6.48	6.48	6.48	1.15	1,000	100.00%
Banana Coast CU	27. Banana Coast CU TD	Unrated	500	4.65	5.18	5.02	0.58	500	100.00%
SGE CU	28. SGE Credit Union TD	Unrated	500	4.16	4.80	4.16	0.58	500	100.00%
B&E Ltd	29. B & E Building Soc TD	Unrated	500	4.30	4.87	4.64	0.58	500	100.00%
Victoria Teachers CU	30. Victoria Teachers CU	Unrated	500	4.36	4.97	4.75	0.58	500	100.00%
CBA	31. CBA TD	AA-	2,000	5.76	5.76	5.76	2.30	2,000	100.00%
Me Bank	32. ME Bank TD	BBB	1,000	4.33	5.25	5.11	1.15	1,000	100.00%
Macquarie Bank	33. Macquarie Bank Term Deposit	A	500	4.86	5.10	4.86	0.58	500	100.00%
CBA	34. Bankwest Term Deposit	AA-	1,000	7.00	7.00	7.00	1.15	1,000	100.00%
IMB	35. IMB TD	BBB	700	4.07	4.90	4.76	0.81	700	100.00%
Summerland CU	36. Summerland CU TD	Unrated	250	5.05	5.37	5.10	0.29	250	100.00%
Wide Bay CU	37. Wide Bay CU TD	BBB	500	4.55	5.14	4.86	0.58	500	100.00%
Northern Beaches CU	38. Northern Beaches CU TD	Unrated	500	4.76	4.85	4.85	0.58	500	100.00%
Queenslanders CU	39. Queenslanders CU TD	Unrated	500	4.70	5.15	5.01	0.58	500	100.00%
Warwick CU	40. Warwick CU TD	Unrated	500	4.42	5.17	4.93	0.58	500	100.00%
Maitland Mutual	41. Maitland Mutual Bldg Soc TD	Unrated	500	4.55	5.10	4.91	0.58	500	100.00%
AMP	42. AMP eASYSaver	A	2,926	3.92	4.18	4.04	3.37	2,926	100.00%
South West CU	43. South West CU TD	Unrated	500	4.16	4.40	4.40	0.58	500	100.00%
CBA	44. CBA Term Deposit	AA-	1,000	4.45	4.96	4.83	1.15	1,000	100.00%
Gateway CU	45. Gateway CU TD	Unrated	500	4.37	4.94	4.74	0.58	500	100.00%
Rabobank	46. Rabobank TD	AA-	500	4.31	5.38	5.16	0.58	500	100.00%
Newcastle Perm Bldg Soc	47. Newcastle Perm Bldg Soc	BBB+	1,000	4.21	4.90	4.77	1.15	1,000	100.00%
QT Mutual Bank	48. QT Mutual Bank	Unrated	500	4.30	5.12	4.88	0.58	500	100.00%

ITEM 8 (continued)

Issuer	Investment Name	Investment Rating	Invested at 31-Mar-13 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2012	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
ING	49. ING TD	A	1,000	4.36	6.24	6.12	1.15	1,000	100.00%
Greater Bldg Soc	50. Greater Bldg Soc TD	BBB	1,000	4.41	5.14	4.95	1.15	1,000	100.00%
Holidaycoast CU	51. Holidaycoast CU TD	Unrated	500	4.32	5.37	5.29	0.58	500	100.00%
The Rock Bldg Soc	52. The Rock Bldg Soc TD	BBB-	500	4.35	4.77	4.46	0.58	500	100.00%
Bank of Queensland	53. BoQ TCD	BBB+	2,000	4.42	5.08	4.91	2.30	2,008	100.42%
Suncorp-Metway	54. Suncorp Metway FRN	A+	1,000	4.20	4.73	4.48	1.15	1,001	100.09%
Intech CU	55. Intech CU TD	Unrated	500	4.32	5.07	4.76	0.58	500	100.00%
AMP	56. AMP TD	A	1,000	7.14	7.14	7.14	1.15	1,000	100.00%
Rabobank	57. Rabobank TD	AA-	500	5.05	5.40	5.24	0.58	500	100.00%
Bendigo and Adelaide Bank	58. Bendigo and Adelaide Bank FRN	A-	1,000	4.54	5.11	4.87	1.15	1,003	100.30%
WaW CU	59. WAW CU Coop	Unrated	500	4.35	4.35	4.35	0.58	500	100.00%
Community First CU	60. Community First CU TD	Unrated	500	4.40	4.94	4.58	0.58	500	100.00%
CBA	61. CBA TD	AA-	1,000	4.12	4.30	4.28	1.15	1,000	100.00%
Heritage Bank	62. Heritage Bank	BBB-	1,000	4.50	5.08	4.87	1.15	1,000	100.00%
Rabobank	63. Rabodirect At-call	AA	985	3.57	4.11	3.95	1.13	985	100.00%
Me Bank	64. ME Bank At Call Account	BBB	1,536	3.81	4.21	4.03	1.77	1,536	100.00%
NAB	65. NAB FRN	AA-	1,001	4.32	4.82	4.56	1.15	1,017	101.74%
NAB	66. NAB FRN	AA-	998	4.43	4.93	4.67	1.15	1,017	101.74%
CBA	67. CBA FRN	AA-	999	4.20	4.79	4.61	1.15	1,017	101.68%
Westpac	68. Westpac FRN	AA-	997	4.25	4.85	4.70	1.15	1,016	101.57%
CBA	69. CBA FRN	AA-	998	4.26	4.84	4.66	1.15	1,017	101.68%
NAB	70. NAB FRN	AA-	993	4.61	5.12	4.86	1.14	1,017	101.74%
Westpac	71. Westpac FRN	AA-	998	4.17	4.79	4.63	1.15	1,014	101.42%
NAB	72. NAB FRN	AA-	994	4.60	5.10	4.83	1.14	1,017	101.74%
CBA	73. CBA FRN	AA-	993	4.42	5.02	4.84	1.14	1,017	101.68%
ANZ	74. ANZ FRN	AA-	992	4.45	5.07	4.90	1.14	1,018	101.80%
Rabobank	75. Rabobank FRN	AA	990	4.59	5.17	4.96	1.14	1,011	101.09%
Police CU (SA)	76. Police CU - SA	Unrated	500	5.70	5.70	5.70	0.58	500	100.00%
Investec	77. Investec TD	BBB-	250	5.24	5.47	5.24	0.29	250	100.00%
NAB	78. NAB Fixed MTN	AA-	994	6.30	6.28	6.27	1.14	1,066	106.60%
Bankstown City CU	79. Bankstown City CU TD	Unrated	250	4.50	5.07	4.81	0.29	250	100.00%
Westpac	80. Westpac Fixed MTN	AA-	997	6.20	6.19	6.18	1.15	1,066	106.62%
ING	81. ING Direct	A	1,000	4.67	5.45	5.19	1.15	1,000	100.00%
Macquarie Bank	82. Macquarie Bank TD	A	500	6.50	6.50	6.50	0.58	500	100.00%
CBA	83. CBA Retail Bond	AA-	956	4.81	5.22	5.07	1.10	966	99.60%
Bendigo and Adelaide Bank	84. Delphi Bank TD	Unrated	250	6.05	6.05	6.05	0.29	250	100.00%
Rural Bank	85. Rural Bank TD	A-	1,000	4.31	4.96	4.92	1.15	1,000	100.00%
Me Bank	86. ME Bank TD	BBB	1,000	4.38	5.08	5.06	1.15	1,000	100.00%
CBA	87. CBA Retail Bonds	AA-	491	5.01	5.36	5.29	0.56	498	99.60%
CBA	88. CBA Retail Bonds	AA-	490	5.04	5.36	5.32	0.56	498	99.60%
Bank of Queensland	89. Bank of Queensland TD	BBB+	1,000	4.81	5.03	5.02	1.15	1,000	100.00%
Bank of Queensland	90. Bank of Queensland TD	BBB+	1,000	4.70	4.84	4.84	1.15	1,000	100.00%
Investec	91. Investec TD	BBB-	250	6.15	6.15	6.15	0.29	250	100.00%
IMB	92. IMB TD	BBB	500	4.50	4.72	4.72	0.58	500	100.00%
CBA	93. CBA Retail Bond	AA-	491	4.96	5.13	5.13	0.56	498	99.60%
Westpac	94. St George TD	AA-	1,000	4.24	4.81	4.81	1.15	1,000	100.00%
CBA	95. CBA Retail Bond	AA-	491	4.94	5.10	5.10	0.56	498	99.60%
Rural Bank	96. Rural Bank TD	A-	1,000	4.35	4.96	4.96	1.15	1,000	100.00%
ING	97. ING Floating Rate TD	A	1,000	5.37	5.70	5.70	1.15	1,000	100.00%
IMB	98. IMB TD	BBB	1,000	4.24	4.58	4.58	1.15	1,000	100.00%
Bank of Queensland	99. Bank of Queensland TD	BBB+	1,000	4.45	4.92	4.92	1.15	1,000	100.00%
NAB	100. NAB TD	AA-	1,000	4.80	4.80	4.80	1.15	1,000	100.00%
Me Bank	101. ME Bank TD	BBB	1,000	4.35	4.68	4.68	1.15	1,000	100.00%
Bank of Queensland	102. Bank of Queensland FRN	BBB+	2,000	4.68	4.76	4.76	2.30	2,010	100.49%
Beirut Hellenic Bank (Aust)	103. Beirut Hellenic Bank TD	Unrated	250	4.68	4.73	4.73	0.29	250	100.00%
Goldfields Money Ltd	104. Goldfields Money Ltd TD	Unrated	250	4.45	4.45	4.45	0.29	250	100.00%
			86,926	4.57	5.08	4.95	100	87,354	

ITEM 8 (continued)

*Monthly returns when annualised can appear to exaggerate performance

**Market valuations are indicative prices only, and do not necessarily reflect the price at which a transaction could be entered into.

Return including Matured/Traded Investments

Weighted Average Return	4.57	5.15	5.04
Benchmark Return: UBSA 1 Year Bank Bill Index (%)	2.94	3.58	3.36
Variance From Benchmark (%)	1.63	1.57	1.68

Investment Income

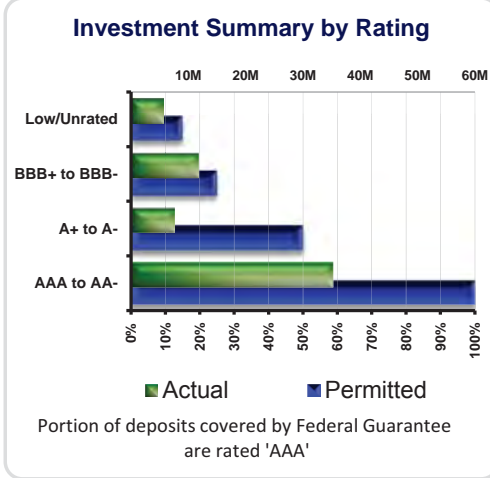
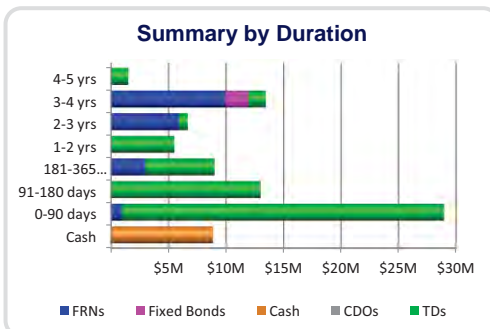
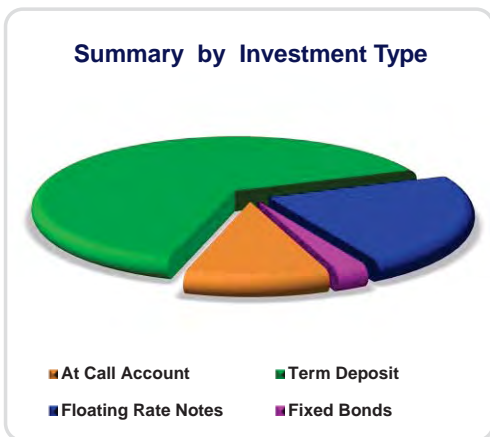
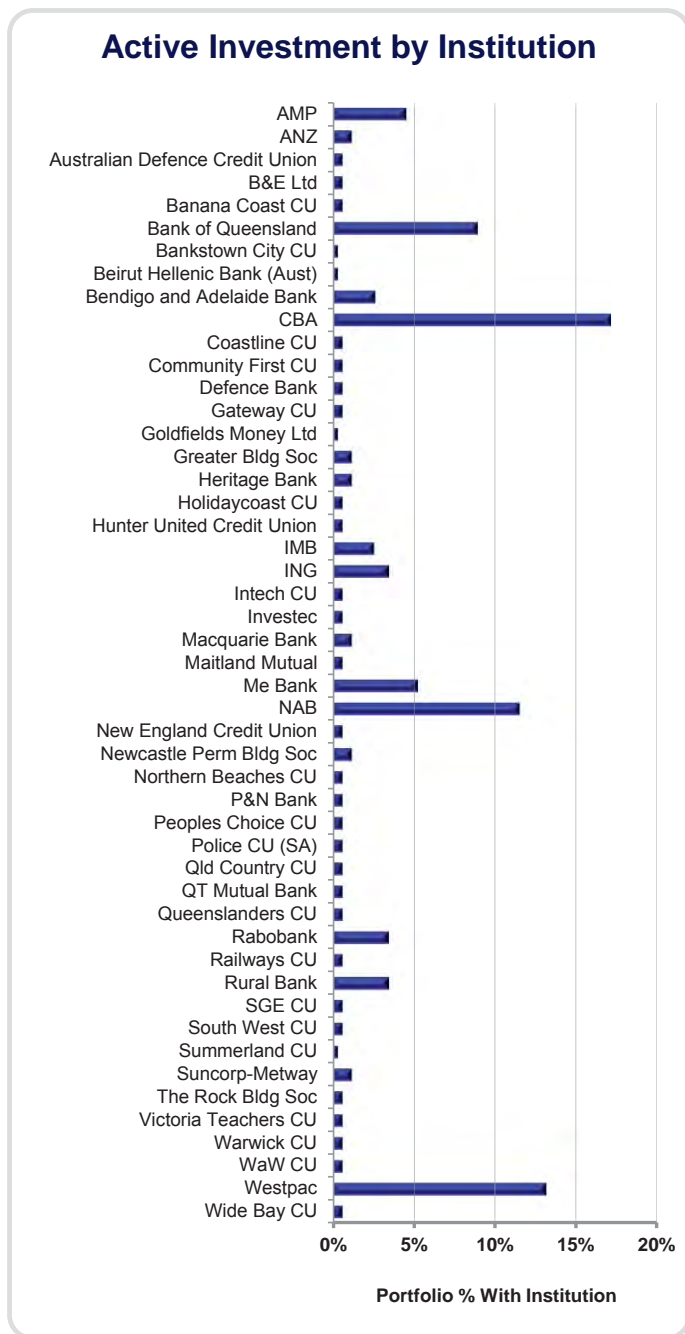
	\$000's
This Period	340
Financial Year To Date	4,099
Budget Profile	<u>4,050</u>
Variance from Budget - \$	<u>49</u>

I certify that as at the date of this report, the investments listed have been made and are held in compliance with Council's Investment Policy and applicable legislation.



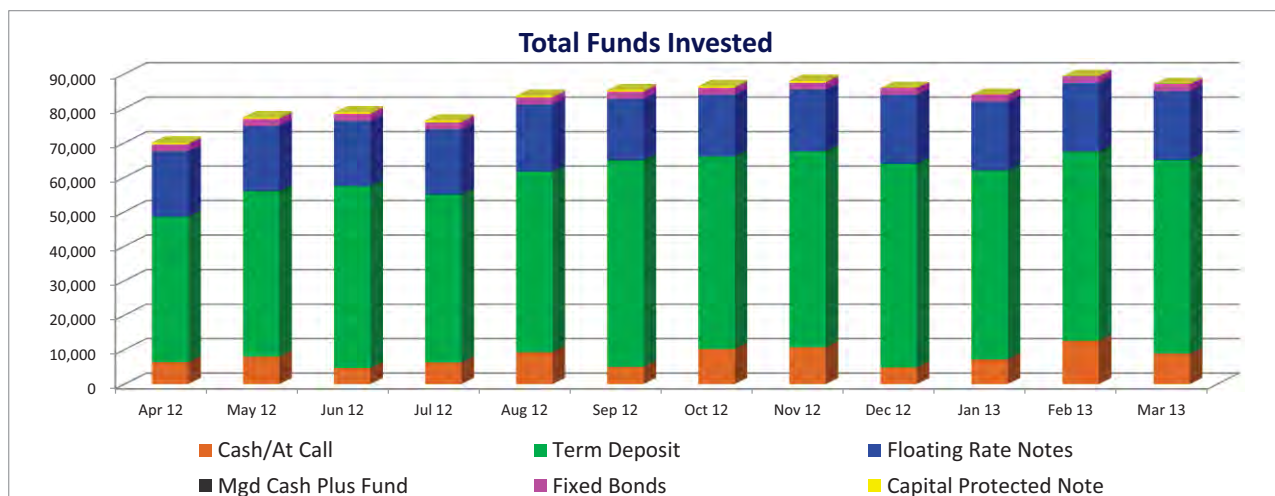
John Todd Date: 10/04/2013

ITEM 8 (continued)

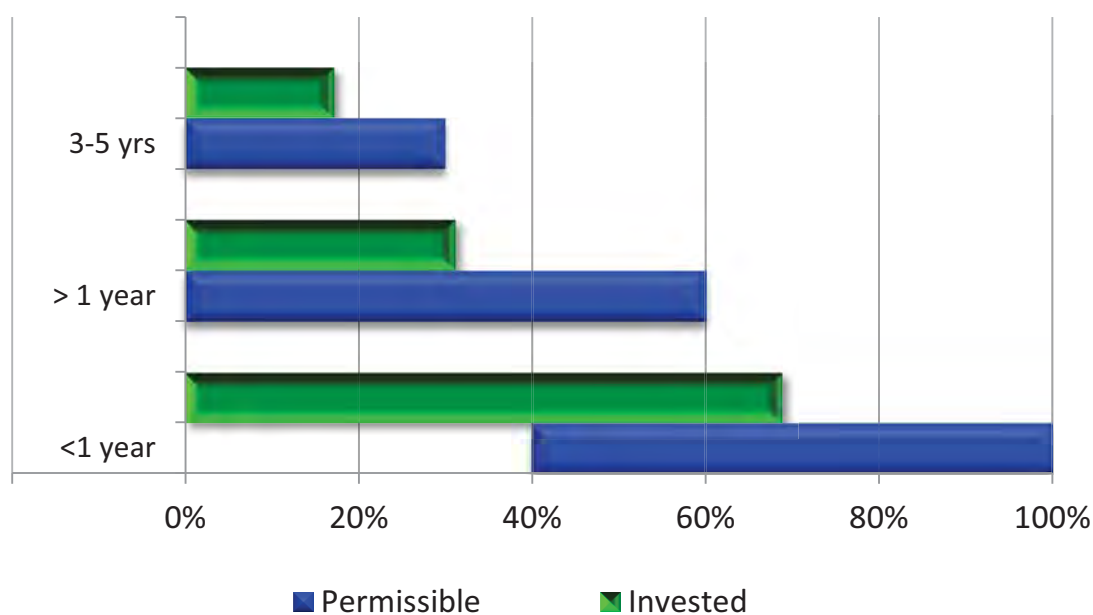


	>365 days	<365 days
Cash/TDs	\$10.3M	\$54.8M
FRNs	\$15.9M	\$4.0M
Fixed Bonds	\$2.0M	\$0.0M
	\$28.1M	\$58.8M

ITEM 8 (continued)



Policy Limits on Maturities



Context

The recommendation is consistent with Section 625 of the Local Government Act, which deals with the investment of surplus funds by Council's.

Financial Implications

Income from interest on investments and proceeds from sales of investments totals \$4.1M, being \$1.5M above original budget projections as per the Delivery and Operational Plan, which will not improve Council's Working Capital result as at 30 June 2013.

ITEM 8 (continued)

This is due to estimated further cuts in the official cash rate anticipated by the RBA, \$976K from the sale of the Oasis CDO and the payment of two (2) investments of the Grange / Lehman IMP which will be transferred to the Financial Security Reserve. The other factor is an increase in interest due to the Section 94 Contributions Reserve due to the projected balance of \$18.85M on hand at 30 June 2013. Interest on these funds is required to be transferred to the Section 94 Reserve and this will be brought to account in the next Quarterly Budget Review.

The Financial Security Reserve has a current balance of \$3.056M.

ITEM 8 (continued)

ATTACHMENT 1

Council's Property Investment Portfolio

The following properties were held as part of Council's Property Investment portfolio:

2 Dickson Avenue, West Ryde
1a Station St, West Ryde
8 Chatham Road, West Ryde
202 Rowe St, Eastwood (commercial)
226 Victoria Rd, Gladesville (commercial)
West Ryde Car Park Site
Herring Road Air Space Rights

The properties within this portfolio are under review as part of the updating of the Asset Management Plans to ensure that Council clearly identifies those properties that are held as an investment, which may also include commercial properties and other operational assets that may be earmarked for future development. Once this review is complete, it will be reported to Council for consideration.

Types of Investments

The following are the types of investments held by Council:

At Call refers to funds held at a financial institution, and can be recalled by Council either same day or on an overnight basis.

A Floating Rate Note (FRN) is a debt security issued by a company with a variable interest rate. This can either be issued as Certificates of Deposit (CD) or as Medium Term Notes (MTN). The interest rate can be either fixed or floating, where the adjustments to the interest rate are usually made quarterly and are tied to a certain money market index such as the Bank Bill Swap Rate.

A Fixed Rate Bond is a debt security issued by a company with a fixed interest rate over the term of the bond.

Credit Rating Information

Credit ratings are generally a statement as to an institution's credit quality. Ratings ranging from AAA to BBB- (long term) are considered investment grade.

A general guide as to the meaning of each credit rating is as follows:

AAA: the best quality companies, reliable and stable

AA: quality companies, a bit higher risk than AAA

A: economic situation can affect finance

BBB: medium class companies, which are satisfactory at the moment

BB: more prone to changes in the economy

B: financial situation varies noticeably

CCC: currently vulnerable and dependent on favourable economic conditions to meet its commitments

CC: highly vulnerable, very speculative bonds

ITEM 8 (continued)

ATTACHMENT 1

C: highly vulnerable, perhaps in bankruptcy or in arrears but still continuing to pay out on obligations

D: has defaulted on obligations and it is believed that it will generally default on most or all obligations

Note: Ratings from 'AA' to 'CCC' may be modified by the addition of a plus (+) or minus (-) sign to show relative standing within the major rating categories.

Council's Investment Powers

Council's investment powers are regulated by Section 625 of the Local Government Act, which states:

- (1) A council may invest money that is not, for the time being, required by the council for any other purpose.
- (2) Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.
- (3) An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.
- (4) The acquisition, in accordance with section 358, of a controlling interest in a corporation or an entity within the meaning of that section is not an investment for the purposes of this section.

Council's investment policy requires that all investments are to be made in accordance with:

Local Government Act 1993 - Section 625
Local Government Act 1993 - Order (of the Minister) dated 12 January 2011
The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) & (2)
Local Government (Financial Management) Regulation 1993
Investment Guidelines issued by the Department of Local Government

Overview of Investments

An overview of all investments held by the City of Ryde as at 31 March is provided below:

1. **Westpac at Call Account (AA-):** This investment is an at call account, paying the short term money market rate. These funds are used for operational purposes.
2. **Westpac Term Deposit (AA-):** This investment is a 212 day term deposit, paying 4.88% (4.93% annualised), and matures on 5 April 2013.
3. **Bank of Queensland TD (BBB):** This investment is a 180 day term deposit, paying 4.40% (4.48% annualised), and matures on 31 July 2013.

ITEM 8 (continued)

ATTACHMENT 1

4. **Bankwest TD (AA-):** This investment is a 36 day term deposit paying 4.00% (4.07% annualised), and matures 9 April 2013.
5. **St George Term Deposit (AA-):** This investment is a 183 day term deposit, paying 4.35% p.a. (4.40% annualised), and matures 7 May 2013.
6. **NAB Term Deposit (AA-):** This investment is a 180 day term deposit, paying 4.55% p.a. (4.60% annualised), and matures 6 May 2013.
7. **Westpac Term Deposit (AA-):** This investment is a one year term deposit, paying 5.15% % (5.15% annualised), and matures 30 May 2013.
8. **Westpac Term Deposit (AA-):** This investment is a three year term deposit, paying 4.95% pa, and matures 21 September 2015.
9. **NAB Term Deposit (AA-):** This investment is a three year term deposit, paying 6.60% p.a., and matures 4 April 2014.
10. **Westpac Term Deposit (AA-):** This investment is a 273 day term deposit, paying 4.85% (4.88 annualised), and matures 28 June 2013.
11. **NAB Term Deposit (AA-):** This investment is a 181 day term deposit, paying 4.65% p.a. (4.70% annualised), and matures 16 May 2013.
12. **Police & Nurses Credit Union (Unrated):** This investment is a one year term deposit, paying 4.24% (4.24% annualised) and matures on 25 February 2014.
13. **Bankwest Term Deposit (AA-):** This investment is a 60 day term deposit, paying 4.05% p.a. (4.12% annualised), and matures 22 April 2013.
14. **Bankwest Term Deposit (AA-):** This investment is a 48 day term deposit, paying 4.15% p.a. (4.23% annualised), and matures 15 May 2013.
15. **Bankwest Term Deposit (AA-):** This investment is a 62 day term deposit, paying 4.15% p.a. (4.22% annualised), and matures 8 April 2013.
16. **NAB Term Deposit (AA-):** This investment is a 365 day term deposit, paying 4.72% p.a. (4.72% annualised), and matures 26 November 2013.
17. **Defence Bank Term Deposit (Unrated):** This investment is a 63 day term deposit paying 4.05% (4.12% annualised) and matures on 29 April 2013.
18. **Railways CU Term Deposit (Unrated):** This investment is a 181 day term deposit paying 4.35% (4.40% annualised) and matures on 5 August 2013.
19. **Community Mutual CU Term Deposit (Unrated):** This investment is a 91 day term deposit paying 4.20% (4.27% annualised) and matures on 22 April 2013.

ITEM 8 (continued)

ATTACHMENT 1

- 20. Queensland Country CU (Unrated):** This investment is a 119 day term deposit paying 4.30% (4.36% annualised) and matures on 28 June 2013.
- 21. Bendigo Bank Term Deposit (A-):** This investment is a 98 day term deposit paying 4.10% (4.16% annualised) and matures on 13 June 2013.
- 22. Hunter United Credit Union (Unrated):** This investment is a 181 day term deposit paying 4.25% (4.30% annualised) and matures on 12 August 2013.
- 23. Coastline CU Term Deposit (Unrated):** This investment is a one year term deposit, paying 5.25% (5.34% annualised), and matures on 11 October 2013.
- 24. Peoples Choice CU Term Deposit (Unrated):** This investment is a 182 day term deposit, paying 4.39% (4.44% annualised), and matures on 6 May 2013.
- 25. Australian Defence Credit Union Term Deposit (Unrated):** This investment is a 64 day term deposit paying 4.08% (4.15% annualised) and matures on 7 May 2013.
- 26. Rural Bank Term Deposit (A-):** This investment is a five year term deposit, paying 6.48% p.a., and matures on 21 March 2017.
- 27. Bananacoast CU Term Deposit (Unrated):** This investment is a 188 day term deposit paying 4.40% (4.45% annualised) and matures on 5 April 2013.
- 28. SGE Credit Union Term Deposit (Unrated):** This investment is a 122 day term deposit, paying 4.10% (4.16% annualised), and matures 11 July 2013.
- 29. B & E Ltd Building Society Term Deposit (Unrated):** This investment is a 179 day term deposit paying 4.40% (4.45% annualised) and matures on 5 April 2013.
- 30. Victoria Teachers CU Term Deposit (Unrated):** This investment is a 120 day term deposit paying 4.30% (4.36% annualised) and matures on 11 April 2013.
- 31. CBA Term Deposit (AA-):** This investment is a three year term deposit paying 5.76% p.a. and matures on 8 December 2014.
- 32. ME Bank Term Deposit (BBB):** This investment is a 366 day term deposit paying 4.33% (4.33% annualised) and matures on 5 March 2014.
- 33. Macquarie Bank Term Deposit (A):** This investment is a 186 day term deposit paying 4.80% (4.86% annualised) and matures on 2 April 2013.
- 34. Bankwest TD (AA-):** This investment is a four year term deposit paying 7.00% (7.00% annualised) and matures on 13 February 2015.
- 35. IMB Term Deposit (BBB):** This investment is a 48 day term deposit paying 4.00% (4.07% annualised), and matures 18 April 2013.

ITEM 8 (continued)

ATTACHMENT 1

- 36. Summerland CU Term Deposit (Unrated):** This investment is a three year term deposit paying 5.05% pa and matures on 21 September 2015.
- 37. Wide Bay CU Term Deposit (BBB):** This investment is a 180 day term deposit paying 4.50% (4.55% annualised) and matures on 2 July 2013.
- 38. Northern Beaches CU Term Deposit (Unrated):** This investment is a 180 day term deposit paying 4.70% (4.76% annualised) and matures on 23 April 2013.
- 39. Queenslanders Credit Union Term Deposit (Unrated):** This investment is a 181 day term deposit paying 4.65% (4.70% annualised) and matures on 25 July 2013.
- 40. Warwick CU Term Deposit (Unrated):** This investment is a 91 day term deposit paying 4.35% (4.42% annualised), and matures 8 April 2013.
- 41. Maitland Mutual Building Society (Unrated):** This investment is a 181 day term deposit paying 4.50% (4.55% annualised) and matures on 29 April 2013.
- 42. AMP eASYSaver at call account (A):** This investment is an at-call account earning 3.85%. No fees are payable by Council on this investment.
- 43. South West CU Term Deposit (Unrated):** This investment is a 92 day term deposit paying 4.10% (4.16% annualised) and matures on 14 June 2013.
- 44. CBA Term Deposit (AA-):** This investment is a 181 day term deposit paying 4.40% (4.45% annualised) and matures on 29 April 2013.
- 45. Gateway Credit Union Term Deposit (Unrated):** This investment is a 92 day term deposit paying 4.30% (4.37% annualised) and matures on 17 June 2013.
- 46. Rabodirect Term Deposit (AA):** This investment is a 122 day term deposit, paying 4.25% (4.31% annualised), and matures on 11 July 2013.
- 47. Newcastle Permanent Building Society (BBB+):** This investment is a 94 day term deposit, paying 4.15% (4.21% annualised), and matures on 13 June 2013.
- 48. QT Mutual Bank (Unrated):** This investment is a 182 day term deposit paying 4.25% (4.30% annualised) and matures on 15 July 2013.
- 49. ING Term Deposit (A):** This investment is a 179 day term deposit paying 4.31% (4.36% annualised) and matures on 16 August 2013.
- 50. Greater Building Society Term Deposit (BBB):** This investment is a 123 day term deposit, paying 4.35% (4.41% annualised), and matures on 4 June 2013.
- 51. Holidaycoast CU Term Deposit (Unrated):** This investment is a 91 day term deposit, paying 4.25% (4.32% annualised), and matures 27 June 2013.

ITEM 8 (continued)

ATTACHMENT 1

- 52. The Rock Building Society Term Deposit (BBB-):** This investment is a 182 day term deposit, paying 4.30% (4.35% annualised), and matures on 5 June 2013.
- 53. Bank of Queensland FRN (BBB):** This is a certificate of deposit issued at a margin of 140 points above 90 day BBSW, maturing 11 November 2013.
- 54. Suncorp Metway FRN (A+):** This is a floating rate note purchased at a margin of 106 points above 90 day BBSW, maturing 18 June 2013.
- 55. Intech CU Term Deposit (Unrated):** This investment is a 122 day term deposit, paying 4.25% (4.32% annualised), and matures on 3 April 2013.
- 56. AMP Term Deposit (A):** This investment is a four year term deposit paying 7.14% which matures on 16 February 2015.
- 57. Rabobank Term Deposit (AA):** This investment is a one year term deposit paying 5.05% pa and matures on 3 September 2013.
- 58. Bendigo & Adelaide Bank FRN (A-):** This is a floating rate note issued at a margin of 140 points above 90 day BBSW, maturing 17 March 2014.
- 59. WAW CU TD (Unrated):** This investment is a 90 day term deposit paying 4.28% (4.35% annualised) and matures on 22 May 2013
- 60. Community First CU TD (Unrated):** This investment is a 180 day term deposit paying 4.35% (4.40% annualised) and matures on 30 July 2013.
- 61. CBA Term Deposit (AA-):** This investment is a 30 day term deposit paying 4.04% (4.12% annualised), and matures 10 April 2013.
- 62. Heritage Bank Term Deposit (BBB-):** This investment is a 365 day term deposit paying 4.50% (4.50% annualised), and matures on 12 December 2013.
- 63. Rabodirect At-Call (AA):** This investment is an at call account, paying the short term money market rate. These funds are used for operational purposes.
- 64. Members Equity Bank At-Call Account (BBB):** This investment is an at call account, paying the short term money market rate. These funds are used for operational purposes.
- 65. National Australia Bank Floating Rate Note (AA-):** This investment is a senior, unsecured floating rate note paying 115 above BBSW. This investment matures 21 June 2016.
- 66. National Australia Bank Floating Rate Note (AA-):** This investment is a senior, unsecured floating rate note paying 125 above BBSW. This investment matures 21 June 2016.

ITEM 8 (continued)

ATTACHMENT 1

- 67. CBA FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 120 above BBSW. This investment matures 2 August 2016.
- 68. Westpac Floating Rate Note (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 123 above BBSW. This investment matures 9 May 2016.
- 69. CBA FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 125 above BBSW. This investment matures 2 August 2016.
- 70. National Australia Bank FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 142 above BBSW. This investment matures 21 June 2016.
- 71. Westpac Floating Rate Note (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 117 above BBSW. This investment matures 9 November 2015.
- 72. National Australia Bank FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 140 above BBSW. This investment matures 21 June 2016.
- 73. CBA FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 140 above BBSW. This investment matures 2 August 2016.
- 74. ANZ FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 142 above BBSW. This investment matures 9 May 2016.
- 75. Rabobank FRN (AA):** This investment is a senior, unsecured floating rate note purchased at a yield of 151 above BBSW. This investment matures 27 July 2016.
- 76. Police CU (SA) Term Deposit (Unrated):** This investment is a two year TD paying 5.70% (5.70% annualised) and matures 18 April 2014.
- 77. Investec Term Deposit (BBB-):** This investment is a one year TD paying 5.24% (5.24% annualised) and matures 10 July 2013.
- 78. NAB Fixed MTN (AA-):** This is a fixed rate bond paying 6.18% (6.30% annualised) and matures 15 February 2017.
- 79. Bankstown City CU Term Deposit (Unrated):** This investment is a 182 day term deposit paying 4.45% (4.50% annualised) and matures 20 May 2013.

ITEM 8 (continued)

ATTACHMENT 1

- 80. Westpac Fixed MTN (AA-):** This is a fixed rate bond paying 6.00% (6.14% annualised) and matures 20 February 2017.
- 81. ING Direct Term Deposit (A):** This is a 182 day term deposit paying 4.62% (4.67% annualised) and matures 22 April 2013.
- 82. Macquarie Bank Term Deposit (A):** This is a five year term deposit paying 6.50% (6.50% annualised) and matures 3 April 2017.
- 83. CBA Retail Bond (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 160 above BBSW. This investment matures 24 December 2015.
- 84. Delphi Bank Term Deposit (Unrated):** This investment is a five year term deposit paying 6.05% p.a. and matures on 15 May 2017.
- 85. Rural Bank Term Deposit (A-):** This investment is a 120 day term deposit paying 4.25% p.a. (4.31% annualised) and matures on 25 July 2013.
- 86. ME Bank Term Deposit (BBB):** This investment is a 366 day term deposit paying 4.33% p.a. (4.33% annualised) and matures on 5 March 2014.
- 87. CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 182 above BBSW. This investment matures 24 December 2015.
- 88. CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 184 above BBSW. This investment matures 24 December 2015.
- 89. Bank of Queensland Term Deposit (BBB+):** This investment is a 182 day term deposit paying 4.75% (4.81% annualised) and matures 20 May 2013.
- 90. Bank of Queensland Term Deposit (BBB+):** This investment is a 181 day term deposit paying 4.65% (4.70% annualised) and matures 29 April 2013.
- 91. Investec Bank Term Deposit (BBB-):** This investment is a five year term deposit paying 6.95% on maturity (6.15% annualised) and matures 15 August 2017.
- 92. IMB Term Deposit (BBB):** This investment is a 180 day term deposit paying 4.45% (4.50% annualised), and matures 14 May 2013.
- 93. CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 175 above BBSW. This investment matures 24 December 2015.

ITEM 8 (continued)

ATTACHMENT 1

- 94. St George Term Deposit (AA-):** This investment is a 182 day term deposit paying 4.20% (4.24% annualised and matures on 26 August 2013.
- 95. CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 174 above BBSW. This investment matures 24 December 2015.
- 96. Rural Bank Term Deposit (A-):** This investment is a 177 day term deposit, paying 4.30% (4.35% annualised), and matures on 29 August 2013.
- 97. ING Floating Rate Term Deposit (A):** This is a five year floating rate term deposit paying 2.30% above 90 day BBSW, and matures 4 September 2017.
- 98. IMB Term Deposit (BBB):** This is a 179 day term deposit paying 4.20% (4.24% annualised) and matures 19 July 2013.
- 99. Bank of Queensland Term Deposit (BBB+):** This is a 179 day term deposit paying 4.40% (4.45% annualised) and matures 16 August 2013.
- 100. NAB Term Deposit (AA-):** This is a 2.25 year term deposit paying 4.80% pa and matures 18 December 2014.
- 101. Members Equity Bank Term Deposit (BBB):** This is a one year term deposit paying 4.35% (4.35% annualised) and matures 20 February 2014.
- 102. Bank of Queensland FRN (BBB+):** This is a senior, unsecured floating rate note purchased at a yield of 160 above BBSW. This investment matures 7 December 2015.
- 103. Beirut Hellenic Bank Term Deposit (Unrated):** This investment is a 90 day term deposit paying 4.60% (4.68% annualised) and matures on 17 April 2013.
- 104. Goldfields Money Ltd Term Deposit (Unrated):** This investment is a 90 day term deposit paying 4.38% (4.45% annualised), and matures 12 June 2013.

9 REVIEW OF INVESTMENT PORTFOLIO - CONSOLIDATION OF INVESTMENTS, RATINGS AND RETURNS

Report prepared by: Chief Financial Officer
File No.: FIM/07/6/4/5 - BP13/540

REPORT SUMMARY

This report is in response to Council's resolution at its meeting on 26 March 2013 and addresses the issue of optimizing the number of investments in Council's investment portfolio, at the highest ratings and returns that can be backed by the current Government guarantee. The report also addresses the opportunity and gains to be achieved if Council were to consolidate its investments.

The report details the advice received from its independent Investment advisor, Oakvale Treasury, that confirms Council will not gain by a larger consolidation of its investments, is optimizing the current Federal Government's guarantee and is maximizing its returns on its investment portfolio.

The report recommends that the report be received and noted.

RECOMMENDATION:

That the report be received and noted.

ATTACHMENTS

- 1 APRA's ADI Guidelines - 16 April 2013
- 2 Investment Policy Guidelines - effective 29 February 2012

Report Prepared By:

John Todd
Chief Financial Officer

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

ITEM 9 (continued)

Discussion

At the Council meeting held of Tuesday, 26 March 2013 Council resolved the following:

- (a) That Council note the report and a further report to be brought back to Council in April that details a proposal to optimise the number of investments, at the highest rated investment covered by the Federal Government Guarantee, whilst maximising returns.*
- (b) The report should also consider any advantage in consolidating investments in the most highly rated and appropriate financial products and seek reconfirmation of Council's Investment Strategy.*

Following Council's resolution, discussions have been undertaken with Council's independent investment advisor, Oakvale Capital in respect of the issues raised by Council.

Mr Erik Gates, Divisional Director Asset Consulting at Oakvale Treasury has provided the following advice on these matters;

- In respect of consolidation of investments, no meaningful increase in rates on offer is being experienced for institutional deposits (over \$500,000), between \$500,000 - \$ 5 million. For investments of \$5 million and above, some Authorised Deposit Institutions (ADIs) are offering an additional 5 basis points on term deposits of 90 days and longer, but this is on a case by case basis.
- The size of deposits is no longer a significant factor that ADIs reward depositors, instead it is on;
 - the category of depositor (retail, government or corporate)
 - length of deposit
- A Retail banking customer depositing long term would be highly sought after by an ADI but deposits from a Council with no transaction banking relationship, would be less sought after.
- Oakvale continue to recommend to their clients to remain flexible to take advantage of regular 'specials' that individual ADIs offer from time to time. Therefore, consideration to the term of investments must be managed to meet not only Council's obligations but also to take advantage of special investment offers.
- City of Ryde have been taking advantage of the \$250K Financial Claims Scheme government guarantee, spreading the portfolio among several ADIs. Apart from staff time there is little disadvantage to this strategy, providing rates on offer are worth the effort.

ITEM 9 (continued)

Please note some ADIs are not seeking local government funds and there is a limit to the number of available ADIs for Council to place its funds. Also, once deposits exceed \$250,000, the funds above the \$250,000 are not covered by the guarantee.

- Oakvale regards Council's investment strategy in relation to its exposure to credit unions / building societies to be prudent.
- In the wake of the Global Financial Crisis and in line with recommendations laid out in the Review of NSW Local Government Investments (the "Cole Report"), the Ministerial Investment Orders were amended in April 2008 to remove reference to a institutions credit rating as guidelines for investment decisions. The Ministerial Order now specifies " (c) interest bearing securities with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the Banking Act 1959 (Cmwlth), but excluding subordinated debt obligations" as a form of eligible investment. All of Council's deposits with credit unions/building societies are with Australian authorised deposit-taking institutions (ADIs).
- Credit unions and building societies are governed under the same regulatory requirements as the major banks, overseen by Australian Prudential Regulation Authority (APRA). For reference, attached is APRA's ADI Guidelines document which is an easy to read summary of those regulatory requirements. There is also a strong network between the credit unions themselves and industry alliances through Cuscal which provides credit unions with united representation and services **ATTACHMENT 1**.
- Given the expense involved with getting rated and regularly reviewed by one of the major credit rating agencies, many credit unions and building societies intentionally do not obtain credit ratings – particularly if they have no intentions of issuing bonds.

Nevertheless, in recognition that no investment is entirely "risk-free" Council has taken conservative measures, enforced through its Investment Policy and Investment Strategy, to ensure the investment portfolio has prudent diversification and optimal coverage under the Financial Claims Scheme government guarantee on deposits.

In addition to the above, Council through the engagement of Oakvale Capital, has had regular reviews of its Investment portfolio and strategy to ensure Council is taking the appropriate approach in managing its Investment portfolio and optimising returns. In respect of the size of each investment, whilst maximising returns, Council also needs to consider its cash flows.

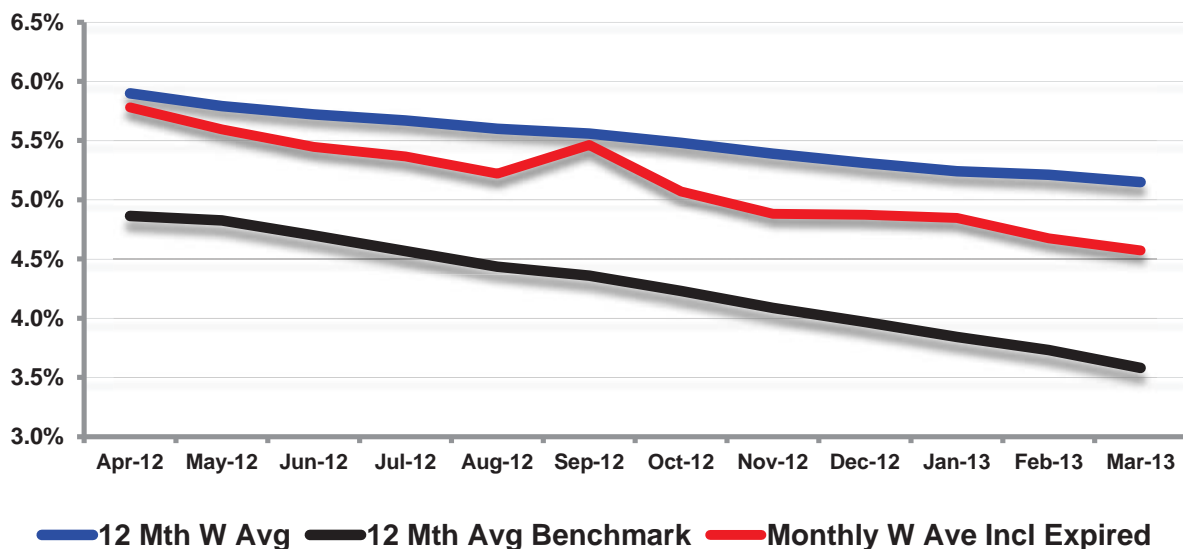
As stated above by Oakvale, it is believed Council is doing everything it can in optimising returns. This is evidenced by the returns of Council being approximately 1.68% above the current benchmark.

ITEM 9 (continued)

Council’s record for returns has been consistently above both the BBSW and Council’s benchmark, which is set at 0.86% above BBSW, with Council’s performance against the benchmark for returns of its investment portfolio for March 2013 and the past 12 months are as follows:

	Mar 2013	12 Mth	FYTD
Council Return	4.57	5.15	5.04
Benchmark	2.94	3.58	3.36
Variance	1.63	1.57	1.68

Performance - All Investments



Government Guarantee – Financial Claims Scheme

The Federal Government introduced the Financial Claims Scheme Guarantee in 2008 to protect deposits up to \$1 million. In 2011 this guarantee was reduced to \$250k with the guarantee being in a transitory period, where term deposits made before 10 September 2011 continued to be covered at the \$1 million level until 31 December 2012, or until the deposit matured, whichever occurred sooner. Any term deposits made after 10 September 2011 are guaranteed by the Federal Government up to \$250K.

Council continues to utilise the Federal Government’s current guarantee (\$250K) investing in Term Deposits with a range of Authorised Deposit Taking Institutions (ADIs) on short to medium term investments (generally 30 days to six months maturity) where more competitive rates are available.

As detailed in Council’s Investment reports, Council has optimised this guarantee. Originally, Council’s investments were made at \$1 million and in the cases of credit unions etc, they have been scaled down, since the guarantee has been reduced to \$250k.

ITEM 9 (continued)

Investment Policy and Guidelines

The DLG guidelines specify that Council's Investment Policy should as a minimum:

- Set the objectives of investing
- Outline the legislative requirements
- Ascertain authority for implementation and management of the policy
- Establish the capital, liquidity/duration and return expectations
- Determine the diversity of the investment portfolio
- Define the risk profile
- Establish the legal title
- Set benchmarks
- Establish monitoring and reporting requirements
- Define duties, obligations and required skills of the council and the council officers and
- Set a date for the policy to be reviewed.

The current Investment Policy and Guidelines were based on the NSW Local Government Finance Professionals' Investments Best Practice Guide and incorporated all the elements of the guidelines. It has been reviewed regularly over the past 5 – 7 years and is **ATTACHMENT 2**.

Council's Investment Policy and Guidelines include a three tiered risk management framework providing identifiable parameters for overall portfolio credit risk, individual institutional credit risk and term to maturity risk.

Council's Investment Advisor, Oakvale Treasury advised that credit ratings remain a valuable tool in helping ensure diversification of an investment portfolio and recommends the continued use of this framework.

Whilst this is generally supported and the bulk of Council's investments above the Government Guarantee of \$250K fall into this category, an unrated institution should not necessarily be seen as a more risky investment than a rated institution merely on credit ratings. This was addressed by Mr Gates in his advice to Council, referenced to earlier in this report.

It should be noted that Council endorsed its Investment Policy at its meeting on 26 February 2013.

Summary

This report has addressed the following issues of:-

- Council is optimising its investment returns. This has been addressed by comments from Oakvale and also Council's actual investment returns as detailed in the report.

ITEM 9 (continued)

- Clarifying the market's position in respect of consolidating larger parcels of investments, noting no real gains are currently available to Council. Also, it should be noted that Council is restricted in this area also by meeting its cash flow obligations. This will become more pronounced if the level of Council's total internal reserves decline.
- Clarifying the government's guarantee of investments / deposits noting there is a risk element with all investments. Council has optimised the Government guarantee provision, in providing greater protection of its investments.
- Restating the provisions in Council's Investment Policy and strategy, that follow the model policy issued by the Division of Local Government.
- Reinforcing Council's performance that has consistently been 1.5% above benchmark.
- While ratings have been removed from the Minister's Investment Order, it has been retained in Council's Investment Policy as a consideration in Council's investment decision making framework.

Financial Implications

Whilst this report has no financial impact, Council is on track to meet its Budget forecast of \$3.4 million for the 2012/2013 year. This result has been able to be achieved in a declining interest rate period, due to the pro-active management of Council's investment portfolio by its staff and advice from Oakvale Treasury, Council's independent advisor.

Due to projections in respect of further interest rate cuts Council is projecting a Interest on Investments income for 2013/2014 of \$3.2 million.

ITEM 9 (continued)

ATTACHMENT 1



Guidelines

ADI Authorisation Guidelines

April 2008



www.apra.gov.au

Australian Prudential Regulation Authority

ITEM 9 (continued)

ATTACHMENT 1

Disclaimer and copyright

These guidelines are not legal advice and users are encouraged to obtain professional advice about the application of any legislation or prudential standard relevant to their particular circumstances and to exercise their own skill and care in relation to any material contained in these guidelines.

APRA disclaims any liability for any loss or damage arising out of any use of these guidelines.

These guidelines are copyright. You may use and reproduce this material in an unaltered form only for your personal, non-commercial use or non-commercial use within your organisation. Apart from any use permitted under the Copyright Act 1968, all other rights are reserved. Requests for other types of use should be directed to APRA.

ITEM 9 (continued)

ATTACHMENT 1

Contents

Objective of the Guidelines and Outline of the Authorisation Process	4
Guidelines on Authorisation of ADIs	5
Overview	5
Use of restricted words and expressions	5
Trading names	6
Authorisation criteria for ADIs	6
Capital	6
Ownership	7
Governance	7
Risk management and internal control systems	7
Compliance	8
Information and accounting systems	8
External and internal audit arrangements	8
Supervision by home supervisor	9
Foreign ADIs	9
Restrictions on deposit-taking activities	9
Disclosure to depositors of non-application of depositor protection provisions	9
Dual operation of foreign banks	10
Application procedures	11
Preliminary consultation	11
Information required to be submitted on application	11
Submission of application	11
Processing and notification	11
Attachment A – Supporting information required for an application to conduct banking business	13
Locally incorporated ADI	13
Attachment B – Supporting information required for an application to conduct banking business	16
Foreign ADI	16

ITEM 9 (continued)

ATTACHMENT 1

Objective of the Guidelines and Outline of the Authorisation Process

These Guidelines set out the Australian Prudential Regulation Authority's (APRA's) authorisation process for authorised deposit-taking institutions. The guidelines apply to prospective applicants seeking an authority to carry on banking business in Australia under the *Banking Act 1959* (the Act). They outline the minimum criteria to be addressed by applicants and the necessary information and documents to be submitted with an application.

APRA's authorisation process, as with its approach to supervision, is consultative and each applicant is assigned a responsible supervisor who is the main contact for the entity on all APRA-related matters.

Where an applicant does not have an existing operation in Australia, it is expected to build its resources and establish its core operations during the authorisation process, so that it is ready to commence business when it is granted authorisation.

The application process involves the following steps:

- preliminary consultation between APRA and the prospective applicant to discuss the applicant's plans to carry on banking business in Australia. This discussion will assist in identifying any matters which might adversely impact on the proposal and in agreeing the format and content required in an application;
- submission of a draft application and relevant information, as detailed in the authorisation guidelines; and
- APRA's review of the application. This will include meetings with senior officers and other responsible persons, as well as on-site prudential reviews.

Generally, the overall licensing process could take from three to 12 months. Some common factors that can delay the authorisation process include:

- an initial submission that contains incomplete or inadequate documentation;
- an entity being unable or unwilling to comply with APRA's requirements (for example, being unable to raise the required level of capital); and
- delays in responding to APRA's requirements and requests.

APRA encourages all prospective applicants to contact it as early as possible during their planning process to discuss their intent (or likely intent) to apply for an authorisation.

ITEM 9 (continued)

ATTACHMENT 1

Guidelines on Authorisation of ADIs

Overview

1. These Guidelines are for prospective applicants seeking an authority to carry on banking business in Australia. They set down the minimum criteria to be addressed by applicants and necessary information and documents to be submitted with an application.
2. 'Banking business' consists of both taking deposits (other than as part-payment for identified goods or services) and making advances of money, as well as other financial activities prescribed by regulations under the Act. Banking business must not be undertaken in Australia without authorisation from APRA. Institutions granted an authority to carry on banking business in Australia are referred to as 'authorised deposit-taking institutions' or 'ADIs'. Applicants need not offer a full range of banking services on authorisation. They may choose to provide specialised services provided they can demonstrate expertise in their selected area of operation.
3. The Act only allows corporations to carry on banking business in Australia. APRA cannot, therefore, consider applications from partnerships or unincorporated entities. Prospective applicants may refer to the Australian Securities and Investments Commission (ASIC) website (www.asic.gov.au) for information with regard to the requirements and procedures for registration of a body corporate in Australia.
4. A body corporate seeking an authority to carry on banking business in Australia should apply in writing to APRA in accordance with section 9 of the Act. An application should be signed by two Directors of the applicant.
5. APRA may refuse an application for authority to carry on banking business in Australia where an applicant is a subsidiary of a non-operating holding company (NOHC) that does not hold a NOHC authority under the Act. Where relevant, an applicant should submit to APRA a written application by its NOHC for a NOHC authority under Section 11AA of the Act concurrently with its application for authority to carry on banking business.
6. Foreign banks may apply to establish locally incorporated subsidiaries or branches to carry on banking business in Australia (foreign banks authorised by APRA to carry on banking business in Australia through branches are referred to as 'foreign ADIs' under the Act). There are no restrictions on the number or size of operations of foreign banks in the Australian market. A foreign bank may simultaneously hold an authority to operate as a foreign ADI and be the parent of a locally incorporated subsidiary authorised as an ADI.
7. Except as explicitly stated in APRA's Prudential Standards and Division 1B of Part II of the Act, foreign bank-owned subsidiary ADIs are subject to the same legislative and prudential requirements as locally owned ADIs. Although the prime responsibility for oversight of the Australian operations of a foreign ADI rests with local management and its head office as well as with the foreign ADI's home supervisor(s), the foreign ADI is nonetheless required to submit its local operations to APRA's prudential supervision.

Use of restricted words and expressions

8. The granting of an authority to carry on banking business gives the successful applicant the right to use the expression 'authorised deposit-taking institution' or 'ADI' in relation to its business. The authority does not automatically entitle the ADI to call itself a 'bank'. Applicants should note section 66 of the Act which restricts the use of certain words or expressions without explicit APRA consent (refer to section 66 Guidelines available on the APRA website: www.apra.gov.au).

ITEM 9 (continued)

ATTACHMENT 1

9. An applicant wishing to use any of the restricted words or expressions on authorisation should apply concurrently to APRA for a section 66 consent.

Trading names

10. An ADI that wishes to use a trading name, other than its registered company name, may seek to use a restricted expression in that trading name. APRA will not ordinarily object to this where the ADI would otherwise be permitted to use that expression (e.g. where an ADI that is a bank wishes to use the term 'bank' in its trading name). If the restricted expression to be used in the trading name is not one that the ADI would ordinarily be permitted to use (e.g. where the ADI is a bank and wishes to use the term 'credit union' in the trading name), APRA will need to consider on a case-by-case basis whether such use could be misleading.
11. In all cases, APRA would expect the ADI using the trading name to clearly disclose on general marketing information (such as Internet sites), as well as account agreements and other contractual documentation provided to customers, that the trading entity is a trading name, division or other operating arrangement of the licensed ADI, as appropriate. APRA would expect such disclosure irrespective of whether the trading name includes a restricted expression to ensure all customers know they are dealing with the licensed ADI.

Authorisation criteria for ADIs

12. APRA will only authorise suitable applicants with the capacity and commitment to conduct banking business with integrity, prudence and competence on a continuing basis.

13. Unless otherwise indicated, the authorisation criteria set out below are applicable to all applicants, including mutually owned applicants as well as foreign bank applicants intending to establish branches or locally incorporated subsidiaries. These criteria represent the *minimum* requirements that an applicant will need to meet for authorisation under the Act and should not be taken as an exhaustive list. Depending on the circumstances, APRA may refuse an application on other prudential grounds not covered in these Guidelines.
14. APRA expects all applicants to be able to comply with its prudential requirements, as set out in various prudential standards, from the commencement of their banking operations. Prospective applicants should familiarise themselves with these prudential standards. It should be noted that more stringent or otherwise modified prudential requirements may be set on a case-by-case basis, for example, for newly authorised ADIs in their formative years or those specialising in particular business lines.

Capital

15. APRA will assess the adequacy of start-up capital for an applicant on a case-by-case basis based on the scale, nature and complexity of the operations as proposed in the business plan. Applicants proposing to operate as banks must have a minimum of \$50 million in Tier 1 capital. Otherwise, no set amount of capital is required for an authority to carry on banking business. Foreign ADIs are not required to maintain endowed capital in Australia.
16. Applicants must satisfy APRA that they are able to comply with APRA's capital adequacy requirements from the commencement of their banking operations. All locally incorporated ADIs are required to maintain, at all times, a prudential capital ratio (PCR) as set by APRA in accordance with *Prudential Standard APS 110 Capital Adequacy*. An ADI's PCR is 8 per cent of total risk-weighted assets, of which at least half must be made up of Tier 1 capital (i.e. a minimum Tier 1 capital ratio of 4 per cent). An ADI will, at all times, be

ITEM 9 (continued)

ATTACHMENT 1

required to maintain a risk-based capital ratio in excess of its PCR. Newly established ADIs may be subject to a higher minimum capital ratio in their formative years, depending on the risk profile of the proposed operations. Mutually owned ADIs are permitted to have start-up capital made up entirely or mostly of Tier 2 capital. The timeframe for these institutions to build up Tier 1 capital will be agreed with APRA on a case-by-case basis. Foreign bank applicants are expected to meet comparable capital adequacy standards, which must be consistent in all substantial respects with the Basel II Capital Framework, as required by their home country supervisors.

Ownership

17. Ownership of ADIs is governed by the *Financial Sector (Shareholdings) Act 1998* (the FSSA) which limits shareholdings of an individual shareholder or group of associated shareholders in an ADI to 15 per cent of the ADI's voting shares. A higher percentage limit may be approved by the Treasurer on national interest grounds.
18. Applicants must satisfy the requirements specified in the FSSA in respect of ownership interests in ADIs or, where relevant, have exemptions granted under the FSSA. NOHCs with a 100 per cent shareholding in the proposed ADI and foreign bank parents must also have a wide spread of ownership unless exempted from the provisions of the FSSA.
19. All substantial shareholders of an applicant are required to demonstrate to APRA that they are 'fit and proper' in the sense of being well-established and financially sound entities of standing and substance. In the case of foreign bank applicants, this requirement applies both to the foreign bank itself and to the substantial shareholders of the foreign bank. APRA requires all substantial shareholders to be able to demonstrate that their involvement in the ADI represents a long-term commitment and that they have the capacity to contribute additional capital, if required.

Governance

20. Applicants must satisfy the requirements set out in *Prudential Standard APS 510 Governance* with regard to the composition and functioning of the Board. Applicants must also satisfy APRA that they have policies in place to ensure that persons who hold the key positions within the proposed ADI are fit and proper, in accordance with *Prudential Standard APS 520 Fit and Proper*.
21. APRA may consult other regulators (domestic and overseas) regarding the suitability of personnel for the proposed ADI. Where necessary, applicants will be expected to provide APRA with authorisation to seek details in this regard.

Risk management and internal control systems

22. Applicants must satisfy APRA that their proposed (or existing) risk management and internal control systems are adequate and appropriate for monitoring and limiting risk exposures in relation to domestic and, where relevant, offshore operations from the commencement of the ADI's banking operations. This includes, in particular, the development, implementation and maintenance of adequate and appropriate policies and procedures for monitoring and managing:
 - a) credit risk, including policy on lending to shareholders, directors and associates; exposures to individual clients and groups of related clients; policy on large exposures; policy on monitoring asset quality (e.g. loan grading system, recognition of impaired facilities and provisioning policy) (refer to *Prudential Standards APS 112 Capital Adequacy: Standardised Approach to Credit Risk*, *APS 220 Credit Quality*, *APS 221 Large Exposures* and *APS 222 Associations with Related Entities*);

ITEM 9 (continued)

ATTACHMENT 1

- b) market risk arising from banking business and trading activities (refer to *Prudential Standard APS 116 Capital Adequacy: Market Risk*);
 - c) liquidity risk (refer to *Prudential Standard APS 210 Liquidity*); and
 - d) operational risk (refer to *Prudential Standard APS 114 Capital Adequacy: Standardised Approach to Operational Risk*; for outsourcing and business continuity management in particular, refer to *Prudential Standards APS 231 Outsourcing* and *APS 232 Business Continuity Management*).
23. Foreign bank applicants must demonstrate that the arrangements for reporting to the parent foreign bank or head office are adequate.
24. In assessing whether the policies and procedures proposed for managing and controlling risk are adequate and appropriate for the applicant's operations, APRA will take account of the size, nature and complexity of the operations, the volume of transactions undertaken, the proposed organisational structure, and the geographical distribution of the business as set out in the business plan.

Compliance

25. Applicants must satisfy APRA that their compliance processes and systems are adequate and appropriate for ensuring compliance with:
- a) APRA's prudential standards; and
 - b) other Australian regulatory and legal requirements.
26. In assessing whether the compliance processes and systems are adequate and appropriate for the applicant's operations, APRA will have regard to the size, nature and complexity of those operations.

Information and accounting systems

27. All ADIs are required to submit data to APRA in terms of the reporting standards under the *Financial Sector (Collection of Data) Act 1998*. Required reporting forms for ADIs depend on the type of ADI and are available on APRA's website.
28. Applicants must satisfy APRA that their information and accounting systems are adequate for maintaining up-to-date records of all transactions and commitments undertaken by an ADI, so as to keep management continuously and accurately informed of the ADI's condition and the risks to which it is exposed. Specifically, applicants are required to demonstrate to APRA that their systems will be capable of producing all required statutory and prudential information in an accurate and timely manner from the commencement of their banking operations.
29. In assessing the overall adequacy of the information and accounting systems, APRA will have regard to the integrity and security of the systems and arrangements for business continuity management (refer to *Prudential Standard APS 232 Business Continuity Management*). Outsourcing of material data processing must satisfy APRA's outsourcing requirements set out in *Prudential Standard APS 231 Outsourcing*.

External and internal audit arrangements

30. Applicants must demonstrate to APRA that arrangements have been established with external auditors in accordance with the requirements set out in *Prudential Standard APS 310 Audit & Related Arrangements for Prudential Reporting*. This includes, in particular, arrangements for an external auditor to report to APRA on:
- a) the observance of APRA's prudential standards and requirements;

ITEM 9 (continued)

ATTACHMENT 1

- b) compliance with statutory requirements, as well as any conditions on the ADI authority (including disclosure requirements for foreign ADIs in respect of deposit-taking activities pursuant to section 11E of the Act);
 - c) the reliability of information supplied to APRA for prudential supervision purposes;
 - d) whether the external auditor has become aware of any matters which, in the auditor's opinion, may have the potential to prejudice materially the interests of depositors of the ADI; and
 - e) any other matters agreed between the ADI, the external auditor and APRA under the tripartite arrangements.
31. Applicants are required to satisfy APRA on the adequacy of internal audit arrangements and requirements set out in *Prudential Standard APS 510 Governance*.

Supervision by home supervisor

32. Foreign bank applicants must have received consent from their home supervisor for the establishment of a banking operation in Australia. Only applicants that are authorised banks in their home country will be granted authorities to operate foreign ADIs.
33. Foreign bank applicants must satisfy APRA that they are subject to adequate prudential supervision in their home country. In considering the standard of supervision exercised by the home supervisor, APRA will have regard to the Core Principles of Banking Supervision promulgated by the Basel Committee on Banking Supervision. This includes whether the home supervisor supervises the foreign bank applicant on a consolidated basis in accordance with the principles contained in the Basel Concordat, and is prepared to co-operate (in terms of the Concordat) with APRA in the supervision of the ADI in Australia.

Foreign ADIs

Restrictions on deposit-taking activities

34. APRA grants authorities to carry on banking business in Australia to foreign ADIs subject to a condition specifically restricting the acceptance of retail deposits by their Australian branches. Foreign ADIs are not required to maintain endowed capital in Australia and are not subject to any capital-based large exposure limits. Moreover, depositors with foreign ADIs do not have the same protections under the Act as depositors with locally incorporated ADIs.
35. APRA's policy, as set out in the terms of authorisation for each foreign ADI, is that foreign ADIs are not permitted to accept *initial* deposits (and other funds) from individuals and non-corporate institutions of less than \$250,000. They can, however, accept deposits and other funds *in any amount* from incorporated entities, non-residents and their employees. No other specific restrictions are placed on the sources of funding or on the use of funds by foreign ADIs. They may offer cheque accounts to customers, subject to the above requirements governing the nature and size of deposits they can accept. Where credit card accounts are offered, there should be policies and procedures in place to ensure that any credit balances are promptly identified and repaid.

Disclosure to depositors of non-application of depositor protection provisions

36. Foreign ADIs are not subject to the 'depositor protection' provisions of the Act, which are contained in Division 2 of Part II. To ensure depositors with foreign ADIs understand this limitation when they deal with foreign ADIs, section 11E of the Act requires a foreign ADI to disclose to prospective depositors the requirements in Division 2 of Part II that do not apply to it and to obtain APRA's prior approval for the manner in which it makes such disclosure.

ITEM 9 (continued)

ATTACHMENT 1

37. While compliance with section 11E of the Act is not strictly a criterion for authorisation, it will generally be administratively convenient for foreign ADI applicants to apply for approval of the manner of disclosure at the time of making the application for authorisation.
38. An application for approval of the manner of disclosure will need to satisfy the APRA delegate that:
- a) a written disclosure statement will be provided to each prospective depositor prior to the opening of an initial account, the transfer of an account from an existing entity, or the lodgement of an initial deposit;
 - b) the statement will be clearly written in plain language, concise and prominently displayed;
 - c) the statement will describe, in summary form, the key elements of Division 2 of Part II of the Act that do not apply to foreign ADIs, namely:
 - (i) APRA's power to take control or appoint an administrator to take control of an ADI in the interests of depositors in the event of insolvency or suspension of payments;
 - (ii) the requirement for an ADI to immediately inform APRA if it considers it is likely to become unable to meet its obligations or is about to suspend payment;
 - (iii) the requirement for an ADI to hold assets in Australia exceeding its deposit liabilities in Australia; and
 - (iv) depositor priority over the assets of an ADI in Australia in the event of insolvency or suspension of payments.
39. To assist in substantiating compliance with section 11E of the Act, the foreign ADI should consider putting in place systems and procedures to ensure depositors opening an initial account or making an initial lodgement of funds are provided with the written disclosure statement.
40. In this regard, a foreign ADI may wish to consider obtaining an acknowledgement, signed by each prospective depositor (including all parties interested in a joint account) that the foreign ADI provided the prospective depositors with the written disclosure statement prior to opening the initial account or accepting the initial deposit of funds.
41. External auditors of foreign ADIs will be asked to report to APRA on compliance with the disclosure requirements as part of the audit arrangements in relation to the observance of prudential standards (refer to *Prudential Standard APS 310 Audit and Related Arrangements for Prudential Reporting* with respect to the required timing and frequency of such reporting).

Dual operation of foreign banks

42. Where a foreign bank simultaneously holds an authority to operate as a foreign ADI and is the parent of a locally incorporated subsidiary authorised as an ADI, each operation is required to conduct its business in Australia in a way which recognises, and makes clear to others, its separate legal status and authorisation.
43. The foreign ADI's branch and the subsidiary ADI will need to have:
- a) separate books of accounts;
 - b) separate statistical (including prudential) reporting to APRA;
 - c) separate internal control systems for monitoring and managing risks (including systems for controlling credit risk, liquidity risk, market risk and operational risk);
 - d) as part of the control systems, separate systems of delegations (although these could comprise the same people in some cases);
 - e) separate chief executive officers responsible for the proper management and prudent operation of the foreign ADI and the subsidiary ADI, respectively; and

ITEM 9 (continued)

ATTACHMENT 1

- f) processes to ensure customers understand which entity they are dealing with and the implications for their interests when staff are undertaking dual roles for both the branch and the locally operated subsidiary.
- 44. Banking transactions between the foreign ADI and the subsidiary ADI should be at arm's length (on commercial terms and conditions).
- 45. The foreign ADI and the subsidiary ADI are permitted to share the same premises. In addition, joint functional support services such as personnel and financial control between the two authorised entities are permitted, as are joint treasury operations. Refer to *Prudential Standard APS 231 Outsourcing* for requirements relating to outsourcing to a related body corporate.
- 48. APRA is funded by levies payable by authorised institutions and charges fees for certain functions, including applications for ADI authorisation. Further information on levies and fees is available on APRA's web site. The application fee must be paid at the commencement of the application process.

Information required to be submitted on application

- 49. A list of information and supporting documents required to be submitted by an applicant for an authority to carry on banking business in Australia, either to operate as a locally incorporated ADI or a foreign ADI, is set out in Attachments A and B.
- 50. APRA may seek such additional information from an applicant as is necessary to assess the application.

Application procedures

Preliminary consultation

- 46. Prospective applicants for an authority to carry on banking business in Australia are encouraged to contact APRA at an early stage to discuss their plans prior to submitting a formal application. This assists APRA in identifying any matters which might adversely affect the application and to advise on the format and content required of an application. APRA will review and comment on well developed drafts of an application through various stages of its development. Submission of drafts in electronic format is encouraged.
- 47. Applicants must contact the Reserve Bank of Australia (RBA) separately regarding requirements for establishing an Exchange Settlement Account (ESA). Applicants establishing ESAs are responsible for keeping the RBA apprised of the status of their application. APRA may also communicate directly with the RBA regarding the application.

Submission of application

- 51. Two copies of the final application, each to be signed by two Directors of the applicant, including all the required information and supporting documents as set out in the Attachments to these Guidelines (as appropriate), should be submitted to APRA. If there are any material changes to the information provided before a decision on the application has been made, the applicant should notify APRA in writing as soon as possible.

Processing and notification

- 52. All applications will be processed within a reasonable time, having regard to the particular circumstances of each application, including the completeness of information and documents submitted to APRA by the applicant.

ITEM 9 (continued)

ATTACHMENT 1

53. Approval of the application may be contingent on other relevant approvals being granted. For example, this may include approvals under the *Financial Sector (Shareholdings) Act 1998*, the *Foreign Investment and Takeovers Act 1975*, and for an Australian Financial Services Licence under the *Corporations Act 2001*.
54. An authority may be granted to take effect on delivery or from some nominated date. APRA may impose conditions upon an authority at the time it is granted and may impose, vary or revoke conditions on an authority thereafter.
55. Applicants will be notified of APRA's decision on the application in writing. Authorisations are published on APRA's website and in the *Government Gazette*.

ITEM 9 (continued)

ATTACHMENT 1

Attachment A

Supporting information required for an application to conduct banking business

Locally incorporated ADI

1. Ownership, board and management

- a) Name of the applicant and proposed ADI and the date and place of incorporation.
- b) The address of the registered office and operational offices.
- c) A brief history of the applicant and an outline of existing operations.
- d) Names of substantial shareholders (direct and ultimate) and their respective shareholdings and details of any related entities in Australia.
- e) Board and committee structure, including names of directors, their principal business associations, curriculum vitae, and statements regarding their fitness and propriety (refer to *Prudential Standards APS 510 Governance* and *APS 520 Fit and Proper*).
- f) An outline of the proposed organisational framework, including the names, responsibilities and curriculum vitae of senior management, and statements regarding their fitness and propriety.
- g) A written undertaking by substantial shareholders (including foreign bank parents) to provide additional capital, if required, and that their investment in the ADI represents a long-term commitment.
- h) Proposed initial capital (authorised, paid-up, classes of shares, etc) and capital ratios (refer to *Prudential Standards APS 110 Capital Adequacy* and *APS 111 Capital Adequacy: Measurement of Capital*).

2. Three-year business plan

The business plan submitted should incorporate the goals of the first three years of operations of the ADI and the ADI group including all controlled entities. The plan should include:

Structure of business

- a) an outline of the proposed activities and scale of operations, including details of any specialised services proposed and relevant expertise, as well as any material outsourcing arrangements;
- b) details of borrowing and lending activities to be undertaken;
- c) details of proposed off-balance sheet activities;
- d) location of head office and an outline of the branch network envisaged and the timeframe over which the network will be established;
- e) other intended means of product distribution;
- f) an estimate of total staff complement envisaged;
- g) the proposed date for commencement of operations; and

Financial projections

- a) Projections (including sensitivity analysis covering expected, up-side and down-side scenarios) of the following:
 - i) detailed balance sheet, cashflow and earnings (including assumptions) for the proposed ADI;
 - ii) key financial and prudential ratios (e.g. capital ratios, liquidity ratios, etc) for the proposed ADI; and
 - iii) key financial and prudential ratios for the proposed ADI and its subsidiaries on a consolidated basis.

ITEM 9 (continued)

ATTACHMENT 1

3. Systems and controls

- a) Details of the risk management systems and procedures to be used to control and monitor risks in relation to both domestic and offshore operations of the ADI and its subsidiaries, including:
 - (i) credit policies, including policy on loans to shareholders, directors and associated interests, on exposures to individual clients and groups of related clients, and covering both banking and financial market (trading) activities;
 - (ii) policy on monitoring asset quality, loan grading, recognition of impaired facilities and provisioning for impaired facilities and the establishment of a General Reserve for Credit Losses;
 - (iii) liquidity management, including funding and maturity mismatch policies;
 - (iv) procedures for controlling market risk, in both financial market (trading) activities (including derivatives) and banking book;
 - (v) control of operational risk; and
 - (vi) arrangements for reporting to a local or foreign bank parent (where applicable).
- b) Details of information and accounting systems (including any outsourcing of data processing and other back office functions).
- c) Business continuity (including disaster recovery) plan.
- e) Internal audit arrangements.
- f) Evidence that, from the commencement of operations, information and other systems will be capable of producing all required statutory and prudential returns in an accurate and timely manner.

4. Subsidiaries

- a) Details of existing or proposed subsidiaries and associates, the nature and scale of their business, and their proposed business relationship with the proposed ADI.
- b) Any plans to transfer assets from subsidiaries and associates to the proposed ADI.

5. Other

- a) Certificate of incorporation of the corporate vehicle to hold the ADI authority (refer to section 10 of the Act).
- b) Certified copies of Memorandum and Articles of Association (refer to section 10 of the Act).
- c) External auditor's certificates verifying the level of capital and capital ratios of the applicant.

6. Foreign bank applicants

- a) The foreign bank parent of an applicant should provide:
 - i) a brief history and an outline of its operations, substantial shareholders (direct and ultimate) and directors (including principal business associations);
 - ii) balance sheet, profit and loss and off-balance sheet data for the last three years (plus any available current year data), including information on impaired loans and capital ratios;
 - iii) an outline of the reporting lines proposed from the subsidiary ADI to its foreign bank parent;
 - iv) an undertaking to co-operate in the supervision of the proposed subsidiary ADI, including the provision of information required by APRA to supervise the proposed subsidiary ADI;

ITEM 9 (continued)

ATTACHMENT 1

- v) an undertaking to keep APRA informed of any significant developments adversely affecting its financial soundness and/or reputation globally, and to provide promptly to APRA copies of its published financial accounts and any significant media releases (with translations where appropriate); and
 - vi) an outline of the supervisory arrangements to which it is subject to in its home country.
- b) A statement from the foreign bank parent's home supervisor that:
- i) the foreign bank is of good financial standing and has the supervisor's consent to apply for an authority to operate as a locally incorporated ADI in Australia;
 - ii) it supervises the parent bank and its subsidiaries on a consolidated basis in accordance with the principles contained in the Basel Concordat; and
 - iii) it is willing to co-operate in the supervision of the proposed subsidiary in terms of the Concordat.

7. Prudential supervision by APRA

- a) A written undertaking by the applicant to:
 - i) adhere to APRA's prudential requirements at all times;
 - ii) consult APRA and be guided by it on prudential matters, including in respect of new business initiatives; and
 - iii) provide APRA with any information that it may require for the prudential supervision of the proposed ADI (and its consolidated group).
- b) For a foreign bank-owned applicant, an acknowledgement by the applicant that APRA may discuss the applicant's conduct and status with its parent and its parent's supervisor(s).
- c) Evidence that arrangements have been established for the prospective ADI's external auditors to report to APRA.

ITEM 9 (continued)

ATTACHMENT 1

Attachment B

Supporting information required for an application to conduct banking business

Foreign ADI

1. Ownership and management

- a) Name of the foreign bank applicant.
- b) A brief history of the foreign bank and an outline of its operations, names of substantial shareholders (direct and ultimate) and their respective shareholdings, directors (including principal business associations) and senior management.
- c) Information necessary to demonstrate the applicant's financial standing. This should include balance sheet, profit and loss and off-balance sheet data for the foreign bank itself, and where applicable for its holding company, for the last three years (plus any available current year data) and information on impaired loans and capital ratios.
- d) An outline of the proposed branch framework, including names of the senior management of the Australian branch, their responsibilities and curriculum vitae.
- e) An outline of the proposed reporting lines from the local branch to head office.

2. Three-year business plan

The business plan submitted should incorporate the goals or milestones of the proposed branch's first three years of operations and include:

Structure of business

- a) an outline of the proposed activities (covering the parent's other operations in Australia) and scale of operations, including details of any specialised services proposed and relevant expertise;

- b) any plans to establish (or maintain) a locally incorporated subsidiary ADI in Australia and the strategy under which these entities would operate, including details of any proposals to transfer assets or to share support services;
- c) details of borrowing and lending activities to be undertaken;
- d) details of proposed off-balance sheet activities;
- e) location of principal Australian office and an outline of Australian representation envisaged and the timeframe over which representation will be established;
- f) an estimate of total staff complement envisaged;
- g) the proposed date for commencement of operations; and

Financial projections

- h) projections (including sensitivity analysis covering expected up-side and down-side scenarios) of the following:
 - i) detailed balance sheet, cashflow and earnings (including assumptions); and
 - ii) key financial and prudential ratios (as relevant).

3. Systems and controls

- a) Details of the risk management systems and procedures to be adopted to control and monitor risks, including:
 - i) credit policies, including policy on loans to shareholders, directors and associated interests, on exposures to individual clients and groups of related clients, and covering both banking and financial market (trading) activities;
 - ii) policy on monitoring asset quality, loan grading and provisioning for impaired facilities;
 - iii) liquidity management, including funding and maturity mismatch policies;

ITEM 9 (continued)

ATTACHMENT 1

- iv) procedures for controlling market risk, in both financial market (trading) activities (including derivatives) and banking book;
 - v) control of operational risk; and
 - vi) arrangements for reporting to head office.
- b) Details of information and accounting systems (including any outsourcing of data processing and other back office functions).
 - c) Internal audit arrangements.
 - d) Business continuity (including disaster recovery) plan.
 - e) Evidence that, from the commencement of operations, information and other systems will be capable of producing all required statutory and prudential returns in an accurate and timely manner.

4. Associates

- a) Details of existing or proposed subsidiaries and associates of the proposed branch in Australia; the nature and scale of their business; and their proposed business relationship with the branch.
- b) Plans to transfer business from any subsidiaries and associates in Australia into the proposed branch.
- c) An undertaking by the applicant to keep APRA apprised of developments in its subsidiaries in Australia.

5. Other

- a) A copy of the certificate of incorporation of the foreign bank applicant (refer to section 10 of the Act) and its authorisation to conduct banking business in its home country.
- b) Certified copies of Memorandum and Articles of Association (refer to section 10 of the Act).
- c) An outline of the supervisory arrangements to which the foreign bank is subject to in its home country.

- d) A statement from the applicant's home supervisor:
 - i) consenting to the application to establish a branch in Australia;
 - ii) confirming that the applicant is of good financial standing;
 - iii) confirming that the applicant is supervised on a consolidated basis in accordance with the principles contained in the Basel Concordat; and
 - iv) agreeing to co-operate in the supervision of the proposed branch, in terms of the Basel Concordat.
- e) An undertaking by the applicant to keep APRA informed of any significant developments adversely affecting its financial soundness and/or reputation globally, and to provide promptly to APRA copies of its published financial accounts and any significant media releases (with translations where appropriate).

6. Prudential supervision by APRA

- a) A written undertaking by the applicant that the proposed branch will:
 - i) adhere to APRA's prudential requirements at all times;
 - ii) consult APRA and be guided by it on prudential matters, including in respect of new business initiatives; and
 - iii) provide APRA with any information which it may require for the prudential supervision of the branch.
- b) An acknowledgement by the applicant that APRA may discuss the conduct of the branch with its head office and its home supervisor(s).
- c) An acknowledgement by the applicant that the proposed branch will conform with the disclosure requirements pursuant to section 11E of the Act.
- d) Evidence that arrangements have been established for the prospective branch's external auditors to report to APRA as required.

ITEM 9 (continued)

ATTACHMENT 1



Telephone
1300 55 88 49

Email
info@apra.gov.au

Website
www.apra.gov.au

Mail
GPO Box 9836
in all capital cities
(except Hobart and Darwin)

ADI_GL_04/2008 BX

ITEM 9 (continued)

ATTACHMENT 2

Investment Policy Guidelines



City of Ryde

Effective Date
29 February 2012

ITEM 9 (continued)

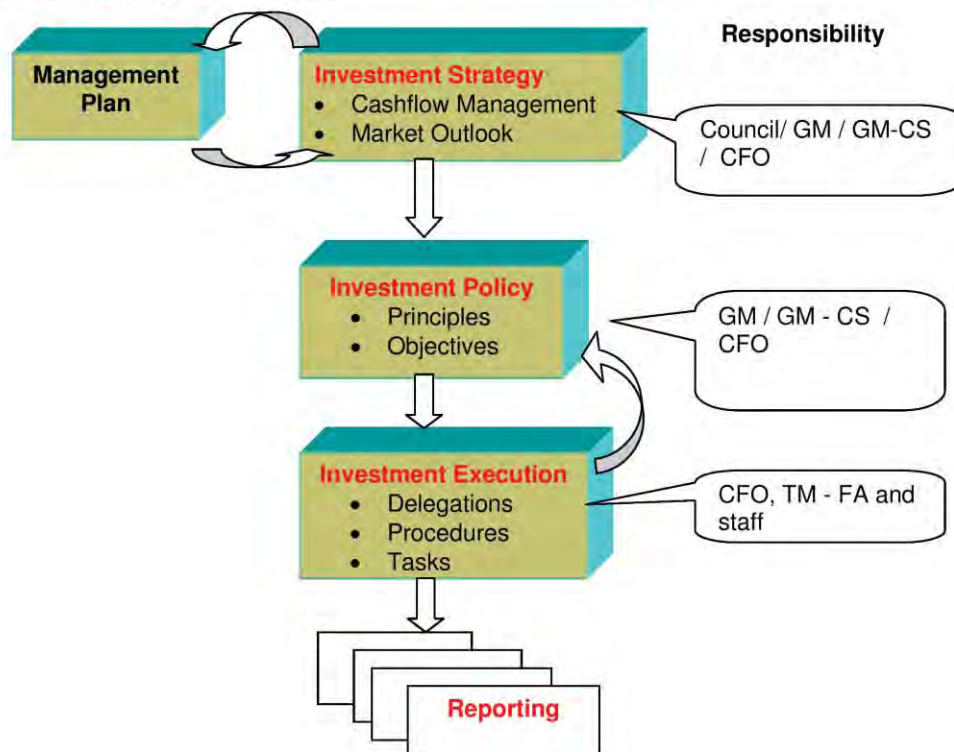
ATTACHMENT 2

City of Ryde	File:	D12/8706
Title: Investment Policy Guidelines	Page:	1 of 14
Group/Service Unit: Corporate Services / Financial Services	Version:	
Effective Date: 29 February 2012	Last Revised:	

INVESTMENT POLICY GUIDELINES

1 Relation of Investment Policy within Council

The following diagram shows how the Investment Policy relates to other policies, plans and strategy within Council.



- * GM – General Manager
- * GM – CS Group Manager, Corporate Services
- * CFO – Chief Financial Officer
- * TM - FA – Team Manager Financial Accounting

ITEM 9 (continued)

ATTACHMENT 2

City of Ryde	File:	D12/8706
Title: Investment Policy Guidelines	Page:	2 of 14
Group/Service Unit: Corporate Services / Financial Services	Version:	
Effective Date: 29 February 2012	Last Revised:	

2 Objectives

To provide a framework for the investing of Council's funds at the most favourable rate of interest available to it at the time, whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.

While exercising the power to invest, consideration needs to be given to preservation of capital, liquidity, and the return of investment.

- (a) Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.
- (b) Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.
- (c) Investments are expected to achieve a market average rate of return in line with Council's risk tolerance.

3 Legislative Requirements

All investments are to comply with the following:

- Local Government Act 1993 - Section 412 & 625;
- Local Government Act 1993 – Order (of the Minister) Circular No: 08/48 gazetted on 15 August 2008, or most current.
- The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) & (2);
- Local Government (General) Regulation 2005 – Clause 212.

Extracts are included in Schedule 1.

4 Delegation of Authority to Invest

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the Local Government Act 1993.

The General Manager may in turn delegate the day-to-day management of Council's investments to the Responsible Accounting Officer or senior staff, subject to regular reviews.

ITEM 9 (continued)

ATTACHMENT 2

City of Ryde	File:	D12/8706
Title: Investment Policy Guidelines	Page:	3 of 14
Group/Service Unit: Corporate Services / Financial Services	Version:	
Effective Date: 29 February 2012	Last Revised:	

Officers' delegated authority to manage Council's investments shall be recorded and required to acknowledge they have received a copy of this policy and understand their obligations in this role.

The General Manager has delegated to both the Group Manager Corporate Services and the Chief Financial Officer authority to authorise investments up to the value of \$1 million in accordance with Council's Investment Policy subject to prior consultation with the General Manager.

Any proposed investments over \$1 million are reviewed by the Chief Financial Officer and recommended to the Group Manager Corporate Services for endorsement and referral to the General Manager for approval.

5 Prudent Person Standard

The investment portfolio will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolio to safeguard the portfolio in accordance with the spirit of this Investment Policy and not for speculative purposes.

A prudent person is entrusted to act with a duty of care, not as an average person would act but as a wise, cautious and judicious person. Such a person will:

- Have a full understanding of Council's Investment Policy
- Understand the legislative constraints regarding Council's investments
- Actively manage investments by regular market monitoring. Performance of investments is to be reviewed (individually and as a whole portfolio) on a monthly basis. Where necessary, advice and assistance should be sought from professional people with experience in investment markets. Any professional advice obtained must contain a statement by the advisor as to their financial interest in the advice given.
- Review Council's investment strategy, at least annually
- Balance the investment risk/return trade off by not taking an overtly conservative (low risk, low return) stance or overtly risky stance.
- Have a full understanding of Council's investment strategy and its specific requirements for cashflow to meet its obligations and consider this in selecting duration of investments.

6 Ethics and Conflict of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This

ITEM 9 (continued)

ATTACHMENT 2

City of Ryde	File:	D12/8706
Title: Investment Policy Guidelines	Page:	4 of 14
Group/Service Unit: Corporate Services / Financial Services	Version:	
Effective Date: 29 February 2012	Last Revised:	

policy requires officers to disclose any conflict of interest to the General Manager.

Independent advisors are also required to declare that they have no actual or perceived conflicts of interest in fulfilling their role to Council.

7 Approved Investments

Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government (refer Schedule 1)

All investments must be denominated in Australian Dollars.

Authorised Investments include

- Debentures or securities issued by, or guaranteed by, Local, State and Commonwealth governments.
- Interest bearing deposits with, or any debentures or bonds issued by an authorised deposit-taking institution (as defined by the Banking Act 1959 (Cwth)), but excluding subordinated debt obligations.
- any bill of exchange which has a maturity date of not more than 200 days, and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority.
- Investments with the NSW Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.
- Investments grandfathered under the previous Ministerial Order.

8 Prohibited Investments

In accordance with the Ministerial Investment Order, this investment policy prohibits but is not limited to any investment carried out for speculative purposes, including;

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand alone securities issued that have underlying futures, options, forward contracts and swaps of any kind.

ITEM 9 (continued)

ATTACHMENT 2

City of Ryde	File:	D12/8706
Title: Investment Policy Guidelines	Page:	5 of 14
Group/Service Unit: Corporate Services / Financial Services	Version:	
Effective Date: 29 February 2012	Last Revised:	

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

9 Risk Management Guidelines

Investments are expected to achieve a market average rate of return in line with the Council's risk tolerance and are to be considered in light of the following key criteria:

- Preservation of Capital – the requirement for preventing losses in an investment portfolio's total value (considering the time value of money);
- Diversification – setting limits to the amounts invested with a particular financial institution or government authority to reduce credit risk;
- Credit risk – the risk that a borrowing institution fails to pay the interest and/or repay the principal lent (invested);
- Market risk – the risk that the fair value of future cash flows of an investment will fluctuate due to changes in market prices;
- Liquidity risk – the risk that an investor is unable to redeem the investment at fair price within a timely period;
- Maturity risk – the risk relating to the length of term to maturity of the investment. The longer the term, the greater the length of exposure and risk to market volatilities.

10 Risk Management Framework

Investments obtained are to comply with three key criteria relating to:

- (a) Portfolio Credit Framework: limit overall credit exposure of the portfolio
- (b) Counterparty/Institution Credit Framework: limit exposure to individual counterparties/institutions
- (c) Term to Maturity Framework: limits based upon maturity of securities.

(a) Overall Portfolio Limits

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

S&P Long Term Rating*	S&P Short Term Rating*	Maximum %
AAA/AA	A-1+	100%
A	A-1	50%
BBB	A-2	25%
Unrated ADIs	Unrated ADIs	15%

* or Moody's / Fitch equivalents

ITEM 9 (continued)

ATTACHMENT 2

City of Ryde	File:	D12/8706
Title: Investment Policy Guidelines	Page:	6 of 14
Group/Service Unit: Corporate Services / Financial Services	Version:	
Effective Date: 29 February 2012	Last Revised:	

Amounts placed with institutions that are covered by the government guarantee of \$250K will be considered to have the sovereign credit rating of the Australian Government.

(b) Counterparty Credit Framework

Exposure to an individual counterparty/institution will be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

S&P Long Term Rating*	S&P Short Term Rating*	Maximum %
AAA/AA	A-1+	30%
A	A-1	20%
BBB	A-2	15%
Unrated ADIs	Unrated ADIs	10%

* or Moody's / Fitch equivalents

If any of the Council's investments are downgraded such that they no longer fall within the investment policy, they should be divested as soon as practicable.

(c) Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Return to Maturity		
Portfolio % <1 year	Min 40%	Max 100%
Portfolio % >1 year	Min 0%	Max 60%
Portfolio % >3 year	Min 0%	Max 30%
Portfolio % >5 <7year	Min 0%	Max 15%

The maximum allowable term to maturity for any investment is 5 years.

11 Divestment

If the characteristics of any of Council's investments change with market conditions such that they no-longer fall within these investment policy guidelines, they should be divested as soon as is practical.

12 Investment Advisor

Council's investment advisor must be licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to recommend the most appropriate product within the terms and conditions of the investment policy.

The independent advisor is required to provide written confirmation that they do not have any or potential conflicts in relation to the investments

ITEM 9 (continued)

ATTACHMENT 2

City of Ryde	File:	D12/8706
Title: Investment Policy Guidelines	Page:	7 of 14
Group/Service Unit: Corporate Services / Financial Services	Version:	
Effective Date: 29 February 2012	Last Revised:	

they are recommending or reviewing, including that they are not receiving any commissions or benefits in relation to the investments being recommended or reviewed.

13 Measurement

The investment return for the portfolio is to be regularly reviewed by the investment advisor by assessing the market value of the portfolio. The market value is to be assessed at least monthly to coincide with monthly reporting.

The investment advisor should meet with the responsible staff and review Council's investment portfolio no less than every six months.

14 Benchmarking

The performance of the investment portfolio shall be measured against the UBS Warburg 90 Day Bank Bill Index.

15 Reporting and Review

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register.

The documentary evidence must provide Council legal title to the investment.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register.

All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

A monthly report will be provided to Council in support of the monthly statement of activity. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date, changes in market value where applicable and investment income versus budget year to date

If a breach of this Investment Policy occurs, Council will be notified at its next ordinary meeting.

16 Review and Variation to Policy

The Investment Policy will be reviewed at least once a year or as required in the event of legislative changes. The Investment Policy may also be changed as a result of other amendments that are to the advantage of the

ITEM 9 (continued)

ATTACHMENT 2

City of Ryde	File:	D12/8706
Title: Investment Policy Guidelines	Page:	8 of 14
Group/Service Unit: Corporate Services / Financial Services	Version:	
Effective Date: 29 February 2012	Last Revised:	

Council and in the spirit of this policy. Any amendment to the Investment policy must be way of Council resolution.

**SCHEDULE 1:
Extracts of Legislative Requirements**

LOCAL GOVERNMENT ACT 1993 - SECT 412 & 625

Section 412 Accounting Records

- (1) A council must keep such accounting records as are necessary to correctly record and explain its financial transactions and its financial position.
- (2) In particular, a council must keep its accounting records in a manner and form that facilitate:
 - (a) the preparation of financial reports that present fairly its financial position and the results of its operations, and
 - (b) the convenient and proper auditing of those reports.

Section 625 How May Councils Invest?

- (1) A council may invest money that is not, for the time being, required by the council for any other purpose.
- (2) Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.
- (3) An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.
- (4) The acquisition, in accordance with section 358, of a controlling interest in a corporation is not an investment for the purposes of this section.

ITEM 9 (continued)

ATTACHMENT 2

City of Ryde	File:	D12/8706
Title: Investment Policy Guidelines	Page:	9 of 14
Group/Service Unit: Corporate Services / Financial Services	Version:	
Effective Date: 29 February 2012	Last Revised:	



Circular No. 11-01
Date 17 February 2011
Doc ID: A232163

Contact Finance Policy Section
02 4428 4100
dlg@dlg.nsw.gov.au

REVISED MINISTERIAL INVESTMENT ORDER

A revised Investment Order pursuant to section 625 of the *Local Government Act 1993* has been issued. The Minister for Local Government signed the revised Order on 12 January 2011 and it was published in the NSW Government Gazette on 11 February 2011. It replaces the Order dated 31 July 2008. The revised Order is attached to this circular.

Changes to the Investment Order include:

- the removal of the ability to invest in the mortgage of land (part (c) of the Investment Order dated 31 July 2008)
- the removal of the ability to make a deposit with the Local Government Financial Services Pty Ltd (part (f) of the order dated 31 July 2008)
- the addition of "Key Considerations" in the revised Investment Order, which includes a comment that a council's General Manager, or any other staff, with delegated authority by a council to invest in funds on behalf of the council must do so in accordance with the council's adopted investment policy.

Councils are reminded that on 25 May 2010 the Division of Local Government issued Investment Policy Guidelines (Circular to Councils 10-11 refers). It is expected that all councils will by now have adopted an Investment Policy in accordance with the Guidelines.

Ross Woodward
Chief Executive, Local Government
A Division of the Department of Premier and Cabinet

Department of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E dlg@dlg.nsw.gov.au W www.dlg.nsw.gov.au ABN 99 567 863 195

ITEM 9 (continued)

ATTACHMENT 2

City of Ryde	File:	D12/8706
Title: Investment Policy Guidelines	Page:	10 of 14
Group/Service Unit: Corporate Services / Financial Services	Version:	
Effective Date: 29 February 2012	Last Revised:	

When considering selling current investments that fall below the requirements of the revised Ministerial Investment Order (see Circular 06-70), councils should exercise due care and diligence. Councils should not solely rely on advice from the issuer of the investment and should seek independent financial advice. An investment adviser or dealer acting on behalf of a council should be licensed by the Australian Securities and Investment Commission (ASIC) (www.asic.gov.au).



Garry Payne AM
Director General

ITEM 9 (continued)

ATTACHMENT 2

City of Ryde	File:	D12/8706
Title: Investment Policy Guidelines	Page:	11 of 14
Group/Service Unit: Corporate Services / Financial Services	Version:	
Effective Date: 29 February 2012	Last Revised:	

LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER
(Relating to investments by councils)

I, the Hon. Barbara Perry MP, Minister for Local Government, in pursuance of section 625(2) of the *Local Government Act 1993* and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW));
- (c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations;
- (d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation;

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- (i) Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- (ii) Paragraph (i) only applies to those investments made before the date of this Order and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Key Considerations

An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.

All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 12th day of January 2011 
Hon BARBARA PERRY MP
Minister for Local Government

ITEM 9 (continued)

ATTACHMENT 2

City of Ryde	File:	D12/8706
Title: Investment Policy Guidelines	Page:	12 of 14
Group/Service Unit: Corporate Services / Financial Services	Version:	
Effective Date: 29 February 2012	Last Revised:	

THE TRUSTEE AMENDMENT (DISCRETIONARY INVESTMENTS) ACT 1997 – SECTIONS 14A(2), 14C (1) & (2)

14A (2) Duties of trustee in respect of power of investment

A trustee must, in exercising a power of investment:

- (a) if the trustee's profession, business or employment is or includes acting as a trustee or investing money on behalf of other persons, exercise the care, diligence and skill that a prudent person engaged in that profession, business or employment would exercise in managing the affairs of other persons, or
- (b) if the trustee is not engaged in such a profession, business or employment, exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

14C Matters to which trustee is to have regard when exercising power of investment

(1) Without limiting the matters that a trustee may take into account when exercising a power of investment, a trustee must, so far as they are appropriate to the circumstances of the trust, if any, have regard to the following matters:

- (a) the purposes of the trust and the needs and circumstances of the beneficiaries,
- (b) the desirability of diversifying trust investments,
- (c) the nature of, and the risk associated with, existing trust investments and other trust property,
- (d) the need to maintain the real value of the capital or income of the trust,
- (e) the risk of capital or income loss or depreciation,
- (f) the potential for capital appreciation,
- (g) the likely income return and the timing of income return,
- (h) the length of the term of the proposed investment,
- (i) the probable duration of the trust,
- (j) the liquidity and marketability of the proposed investment during, and on the determination of, the term of the proposed investment,
- (k) the aggregate value of the trust estate,
- (l) the effect of the proposed investment in relation to the tax liability of the trust,

ITEM 9 (continued)

ATTACHMENT 2

City of Ryde	File:	D12/8706
Title: Investment Policy Guidelines	Page:	13 of 14
Group/Service Unit: Corporate Services / Financial Services	Version:	
Effective Date: 29 February 2012	Last Revised:	

(m) the likelihood of inflation affecting the value of the proposed investment or other trust property,

(n) the costs (including commissions, fees, charges and duties payable) of making the proposed investment,

(o) the results of a review of existing trust investments in accordance with section 14A (4).

(2) A trustee may, having regard to the size and nature of the trust, do either or both of the following:

(a) obtain and consider independent and impartial advice reasonably required for the investment of trust funds or the management of the investment from a person whom the trustee reasonably believes to be competent to give the advice,

(b) pay out of trust funds the reasonable costs of obtaining the advice.

ITEM 9 (continued)

ATTACHMENT 2

City of Ryde	File:	D12/8706
Title: Investment Policy Guidelines	Page:	14 of 14
Group/Service Unit: Corporate Services / Financial Services	Version:	
Effective Date: 29 February 2012	Last Revised:	

LOCAL GOVERNMENT (GENERAL) REGULATION 2005 - CLAUSE 212

212 Reports on council investments

(1) The responsible accounting officer of a council:

(a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:

i) if only one ordinary meeting of the council is held in a month, at that meeting, or

ii) if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and

(b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.

(2) The report must be made up to the last day of the month immediately preceding the meeting.

Note. Section 625 of the Act says how a council may invest its surplus funds.

10 ACTING GENERAL MANAGER'S PRIORITIES

Report prepared by: Coordinator - Change Management Projects
File No.: GRP/09/7/2/2 - BP13/432

REPORT SUMMARY

There are a number of important projects underway, in addition to business-as-usual that are of high importance to Council and the Acting General Manager. The priorities outlined in this report highlight for Council the most significant of these activities. This list is not intended to encompass all items but provides a high-level summary of the focus areas for the Acting General Manager.

Councillors have an obligation to monitor the performance of the Acting General Manager to ensure the incumbent is performing appropriately. In addition, it is important for the Acting General Manager to have a clear set of priorities for delivery over the coming months. The attached list of priorities will provide a framework for the monitoring and assessment of the Acting General Manager's performance until such time as a permanent appointment is made.

RECOMMENDATION:

- (a) That Council endorse the attached priorities for the Acting General Manager for the next six months or until a permanent appointment is made.
- (b) That Council determine whether a performance review of the Acting General Manager is required, and if required nominate the Councillors to form the review panel, noting that the outcomes of any review would be reported to Council.

ATTACHMENTS

- 1 Acting General Manager Priorities 2013 - as at 11 April

Report Prepared By:

Juanita Ford
Coordinator - Change Management Projects

Report Approved By:

Danielle Dickson
Acting General Manager

ITEM 10 (continued)

Discussion

The Acting General Manager has identified eight key areas as a priority for the coming months, until a permanent General Manager is appointed. These areas cover a number of significant projects and activities that Council is undertaking, or plans to undertake over the next 12 months. The attached list of projects and initiatives indicates an intended timeframe for completion either within the next 6 or 12 months.

Feedback on the draft objectives was received by Councillor Maggio who requested that the Acting General Manager focus on improving customer service, resolution of complaints and staff responsiveness. This has been included under focus area 2.

The eight priority focus areas, and the projects and activities that relate to these areas, are detailed below.

1) Complying with Legislative Requirements

Ensure that Council meets its legislative requirements pertaining to the first year of the new Council's term.

This will include:

- Review of the Community Strategic Plan with the new Council to ensure it continues to capture the communities' aspirations
- Review and reaffirming of Council's Organisation Structure
- Adoption of the 4 Year Delivery Plan and 1 Year Operational Plan (2013/14 budget)
- Review of Council's Resourcing Strategy, including the Asset Management Plan, Workforce Plan and Long-term Financial Plan
- Review of the Code of Conduct

2) Community Information and Engagement

a) Establish a Community Engagement Framework in collaboration with the Citizen Engagement Advisory Committee which will address the following:

- Provide options for greater engagement by all residents in civic affairs across the City of Ryde
- Improve the information flow between Council, ratepayers and residents with an objective of improving customer service, responsiveness and resolution of complaints.
- Increase the level of quality advice to Council staff and Councillors.
- Shift the advisory committee focus from highly segmented, special interests to an integrated source of advice and feedback which considers the complexity of Council's service delivery functions
- Improve community perception that they feel well informed, heard, valued and involved in the future of their city

ITEM 10 (continued)

- Address the Advisory Committee structural framework to include Climate Change and Sustainability, Bushcare and any other gaps.

b) Review and upgrade the City of Ryde website

The implementation of a new web Content Management System (CMS) to improve the functionality and stability of our existing website, enable increased ability to manage and develop the website content to meet a wider range of business requirements.

This would include for example:

- Transfer of existing CMS functionality to support our current web services
- Transfer of existing content, images, documents from the existing CMS into the new CMS.

c) To implement Council's resolution relating to the development of a Communications and Media Strategy for the City of Ryde.

On 19 March 2013 Council resolved:

d) That the Acting General Manager separately report back to Council prior to 30 June 2013 on Council's Draft Communication and Media Strategy and progress of our social media presence.

d) Establish Council's social media presence

e) Undertake advocacy on behalf of Council and the community to ensure the earliest possible delivery of the public domain assets arising from West Ryde Coles Development.

3) Financial Management

a) In conjunction with Council's consideration of the Four Year Delivery Plan 2013-2017 and the 2013/14 budget development over the next six months Council will:

- Undertake a Corporate Priorities review to identify potential savings – including base budget, staff establishment, project budgets and current year budget
- Determine the process to set Asset Management service levels – gaining Council's direction and agreement for the Resourcing Strategy
- Finalise the long-term financial strategy – following the review of the workforce plan and asset management plans, develop the Long-Term Financial Plan in accordance with Council's direction

ITEM 10 (continued)

- b) Ensure tight fiscal control so that budgets will be delivered in accordance with each quarterly variation. The budget will be developed in consideration of the likely revenue sources for Council, whilst keeping the pressures for expenditure growth to within acceptable limits over the next four years.

4) Audit of the Procurement Process and System

To implement Council's resolution relating to the City of Ryde's procurement processes.

On 13 November 2012 Council resolved:

That the General Manager be delegated to conduct an independent review of City of Ryde procurement processes, in general covering all areas.

This review will cover all procurement activities and include:

- commentary on the adequacy or otherwise of Council's procurement structure, policy framework, processes and systems
- governance arrangements in place for procurement
- documentation of procurement processes
- staff education and awareness of procurement policies and processes
- compliance with the Local Government Act or relevant regulations
- the level of reporting to Council

5) Corporate Capability Plan

To implement the Corporate Capability Plan projects to further enhance the internal capability of the organisation, including the following projects:

- Service Level Agreements development – create a standard template and trial of new SLA schedules between three internal purchasers and providers.
- Council's Land Register development – ensure that all Certificates of Title for Council land are held within the Records section with copies in TRIM.
- As a trial, test Geospatial Programme Integration Management System (GPIMS) stage 2 – implement field trials and mobile applications for our parks and gardens and sportsfields staff to test efficiencies for future work deployment.
- Customer Request Management (CRM) system - select the best possible, quality assured system for defined external service accountabilities.
- Performance Development System (PDS) – develop and utilize a redesigned, comprehensive staff performance appraisal system that will measure performance against delivery of agreed job plans annually.

ITEM 10 (continued)

6) Improving our Planning Instruments

To improve the planning instruments for the City of Ryde including:

- Submission of the Draft Comprehensive LEP for City of Ryde to the Department of Planning and Infrastructure
- Development and implementation of a new Section 94 Contributions Plan

7) Refurbishment of the Civic Centre

To implement Council's resolutions detailed below regarding the Civic Precinct Works program.

On 13 November 2012 Council resolved that:

- a) Council staff immediately develop a project plan to expedite the rezoning of the Civic Centre site back to RL91 with a density of 60,000sq metres and to be zoned SP2 community use through a planning proposal.*
- b) Council staff prepare a list of priority maintenance required at the Civic Centre – using the existing building condition reports. This priority list is to be based on Workplace Health and Safety issues. This list is to be considered in the context of the 4 year delivery plan.*

On 26 February 2013 Council resolved:

- a) That the report be received and noted.*
- b) That the Acting General Manager report back to Council providing a costed maintenance schedule for the building for the upcoming five years.*

On 9 April 2013 Council resolved:

That Council defer the matter for a Councillor Workshop.

8) Best Value Review

To conduct a Best Value Review of our current recruitment and selection practices with a view to streamline this process and strengthening our brand in the employment market. This will include a review of recruitment policies, advertising, job applications selection processes and candidate selection.

The projects and activities that have been prioritised within each of these areas with an intended completion timeframe of either 6 or 12 months are listed in the attachment. A more detailed action plan of project milestones will be developed and monitored to ensure these priorities are on track for delivery.

ITEM 10 (continued)

Financial Implications

Adoption of the recommendation will have no financial impact.

Context

Setting the Acting General Manager's priorities for the coming months will ensure that until a General Manager is appointed, these priority projects will be progressed. While a number of these initiatives will not be completed within six months, they are flagged as a priority over 12 months to be progressed by the Acting General Manager and then handed over to the appointed General Manager for completion. These Acting General Manager's priorities also form the basis for Council managing and tracking the performance of the Acting General Manager.

In general, recent feedback from Councillors has confirmed the importance of focusing on delivery of our core business, delivery of initiatives for the community, and meeting our commitments in the Four Year Delivery Plan. The projects and initiatives listed in the attached document reflect the priority areas that, once delivered, will ensure our legislative compliance as well as facilitate more effective and efficient delivery of core business for the community.

ITEM 10 (continued)

ATTACHMENT 1

Page 1 of 1

Acting General Manager's Priorities

6 MONTHS	12 MONTHS
1. Complying with Legislative Requirements	
Review Community Strategic Plan	Review of Council's Resourcing Strategy
Reaffirming Council's Organisation Structure	Review of the Code of Conduct
Adoption of the Delivery Plan and Operational Plan (budget)	
2. Community Information and Engagement	
Establish the Community Engagement Framework	Website Content Management System
Community Communications Plan	Establish Council's social media presence
Draft Communications and Media Strategy	
Advocacy of West Ryde Coles Development	
3. Financial Management	
Complete Corporate Priorities review	Determine process to set Asset Management service levels
	Finalise long-term financial strategy
4. Audit of the Procurement Process and System	
Complete Implementation of Council's Resolution of 13 Nov 2012 to review City of Ryde procurement processes	
5. Corporate Capability Plan	
Implementing Service Level Agreements	Geospatial Program Integration Management System (GPIMS) – stage 2
Council's Land Register development	Customer Request Management (CRM) system
	Improved Performance Appraisal system
6. Improving our Planning Instruments	
New LEP for City of Ryde	Section 94 Contributions Plan
7. Refurbishment of the Civic Centre	
Complete Civic Centre site rezoning application	Civic Precinct maintenance program and report to Council
8. Best Value Review	
Best Value Review Recruitment and Selection	

11 AMENDMENTS TO THE ENVIRONMENTAL PLANNING AND ASSESSMENT (EP&A) ACT 1979

Report prepared by: Strategic Planner
File No.: COR2006/1087 - BP13/501

REPORT SUMMARY

The purpose of this report is to advise Council of the changes to planning legislation that occurred through the introduction of the *Environmental Planning and Assessment Amendment Act 2012*. The changes which came into effect on 1 March 2013 and that apply to the City of Ryde include :

- Reinforce the purpose, status and content of Development Control Plans (DCPs) as guidance documents only. A consent authority as part of assessing a development application must be flexible in the way it applies the controls and also allow for reasonable alternative solutions to achieve the objective of a standard.
- Extending indemnity from breach of copyright – Existing provisions have been extended to cover a variety of documents which maybe required to be exhibited as part of an environmental impact statement, a planning proposal, and planning agreement.
- Occupational certificates (OC) – the amendments require that an OC must not be issued unless the design and construction of a building are not inconsistent with the development consent (including a construction certificate) or complying development certificate.

This report provides background to the subject changes and recommends that the proposed changes be noted by Council.

RECOMMENDATION:

That Council notes the changes introduced through the Environmental Planning and Assessment Act 2012 on 1 March 2013.

ATTACHMENTS

- 1 Planning Circular 2013-003 regarding changes to EP&A Act

Report Prepared By:

Susan Wotton
Strategic Planner

Report Approved By:

Meryl Bishop
Manager - Urban Planning

Dominic Johnson
Group Manager - Environment & Planning

ITEM 11 (continued)

Discussion

The Department of Planning and Infrastructure released Planning Circular PS13 – 003 *Proclamation of certain provisions of the EP&A Amendment Act 2012* on the 18 March 2013. The Circular provides advice on amendments to the EP&A Act that occurred on the 1 March 2013.

The amendments

- relate to the purpose, status and content of development control plans (DCPs), and how they are to be taken into account during the development assessment process
- extend the types of documentation in relation to which an indemnity for breach of copyright is available
- will streamline the assessment of development on bush fire prone land (applies to urban release areas only)
- ensure that certifiers have power to impose a developer contribution for all development where a contribution is required
- allow compliance certificates to be issued by appropriate persons (to be identified by the regulations)
- provide for the transfer of records when a principal certifying authority is replaced, and
- allow costs relating to investigations, and the preparation of documentation, in connection with the issue of an order under the EP&A Act to be recovered – the amount of such costs is capped at \$1000 and \$500 respectively.

The most significant changes made under the legislation relate to:

Purpose, status and content of DCPs

The Planning Circular released by DoPI advises the following:

Following a number of recent court cases, councils have felt obliged to treat DCPs as inflexible and rigid rule-books which must be consistently applied when considering development applications. This has caused delays and added to the complexity of the planning system.

DCPs are increasingly containing controls which are not consistent with those in the council's LEP. This adds significantly to development assessment times and red tape in the planning system.

The purpose of a DCP is to provide guidance to a consent authority and to people who are proposing to undertake development on land to which the DCP applies.

The Amendment Act reinforces that the provisions contained in a DCP are not statutory requirements and are for guidance purposes only.

ITEM 11 (continued)

The Amendment Act does not specify how much weight should be given to a DCP. Instead, the weight a consent authority gives to a DCP in assessing a development application will depend on a number of factors, including whether the DCP provides a sensible planning outcome that is consistent with other policies, including all council LEPs.

Under the changes, if a development application complies with the provisions of a DCP, a consent authority is not able to apply more onerous standards. Similarly, if a development application does not comply with provisions in a DCP, a consent authority must be flexible in the way it applies the controls and also allow for reasonable alternative solutions to achieve the objectives of those standards.

Councils do not need to amend or prepare a new DCP as a result of the Amendment. Also, nothing in the Act changes the application of a council's existing DCP. The changes concern only the purpose and status of a DCP and the way in which a council is to use it when assessing development applications.

Extension of indemnity for breach of copyright

Copyright may exist in documents submitted as part of the development assessment or plan-making processes under the EP&A Act.

In relation to such documents, the Copyright Act provides that the copyright owner (usually the architect) has the exclusive right to do certain acts in relation to those documents, including to reproduce or publish the plans and to make the plans available online.

With certain limited exceptions, it is unlawful for another person to do any act which is the exclusive right of the copyright owner, unless that person has a licence from the copyright owner.

This proves problematic for councils given the requirements for documents to be made publicly available as part of the development assessment and plan-making processes under the EP&A Act.

In response to this issue, the EP&A Act and the EP&A Regulation contain provisions which provide an indemnity for breach of copyright in relation to the use of certain documents such as plans, research documents and studies with respect to DAs, complying development certificates and environmental impact statements made under Part 5 of the Act.

However, under the Amendment, the EP&A Act will now also provide for an indemnity in relation to the use of documents that are part of the following 'planning matters':

- an application for approval, or to modify an approval, for State significant infrastructure

ITEM 11 (continued)

- a transitional Part 3A project or concept plan application (or a request to modify an approval or concept plan) and any environmental assessment or report under the former Part 3A
- an environmental impact statement (including any preferred infrastructure report) under Part 5.1
- a planning proposal under Part 3, and
- a planning agreement.

Changes to the requirements for occupation certificates

The Amendment requires that an occupation certificate must not be issued unless the design and construction of the new building, or any part of the new building that is completed, are not inconsistent with the development consent or complying development certificate.

A reference to development consent includes a reference to a construction certificate that is taken to form part of the development consent.

Date Amendments are Effective

The Amendment relating to DCP and Occupational Certificates are affective to development applications determined and development consents or complying development certificates issued after 1 March 2013.

Financial Implications

Adoption of the recommendation will have no financial impact.

ITEM 11 (continued)

ATTACHMENT 1



PLANNING circular

PLANNING SYSTEM

Local Planning

Circular PS 13-003

Issued 18 March 2013

Related PS 12-003

Proclamation of certain provisions of the EP&A Amendment Act 2012

Introduction

The purpose of this circular is to advise councils, accredited certifiers, applicants and the public of the proclamation of certain provisions of the *Environmental Planning and Assessment Amendment Act 2012* (the "Amendment Act") on 1 March 2013.

The amendments to the *Environmental Planning and Assessment Act 1979* (the "EP&A Act"):

- relate to the purpose, status and content of development control plans (DCPs), and how they are to be taken into account during the development assessment process
- extend the types of documentation in relation to which an indemnity for breach of copyright is available
- will streamline the assessment of development on bush fire prone land
- ensure that certifiers have power to impose a developer contribution for all development where a contribution is required
- allow compliance certificates to be issued by appropriate persons (to be identified by the regulations)
- provide for the transfer of records when a principal certifying authority is replaced, and
- allow costs relating to investigations, and the preparation of documentation, in connection with the issue of an order under the EP&A Act to be recovered – the amount of such costs is capped at \$1000 and \$500 respectively.

The amendments to the *Building Professionals Act 2005* (the "BP Act"):

- allow the Building Professionals Board to require ongoing assessment of accredited certifiers and to suspend or cancel their accreditation as a result of that assessment
- require previous disciplinary action to be taken into account when determining what action should be taken against an accredited certifier in relation to a complaint
- allow an accredited certifier to issue compliance certificates where an accredited certifier has

- been involved in the design or carried out work on the particular aspect of the development, and
- insert a requirement for accredited certifiers to enter into written contracts in relation to certification work and for such contracts to contain the matters specified in the regulations.

Consequential amendments were also made to the *Environmental Planning and Assessment Regulation 2000* (the "EP&A Regulation") and the *Building Professionals Regulation 2007* (the "BP Regulation") to give effect to the amendments in the Amendment Act.

Outline of the changes to the EP&A Act

Below is an outline of the changes to the EP&A Act and EP&A Regulation. A more detailed explanation of the changes to the EP&A Act relating to certification and the amendments to the BP Act and BP Regulation are outlined in an [Information Sheet](#) published by the Building Professionals Board.

Changes to the purpose, status and content of DCPs

When DCPs were first introduced around 30 years ago, they were intended to be flexible guidelines which complemented the controls provided by a local environmental plan (LEP). A council's LEP is a legal document which is meant to be the primary instrument to guide local development.

Following a number of recent court cases, councils have felt obliged to treat DCPs as inflexible and rigid rule-books which must be consistently applied when considering development applications. This has caused delays and added to the complexity of the planning system.

DCPs are increasingly containing controls which are not consistent with those in the council's LEP. This adds significantly to development assessment times and red tape in the planning system.

These provisions change the way a consent authority (in most instances the council) is to consider a DCP when assessing a development application. The objectives of the changes are to:

ITEM 11 (continued)

ATTACHMENT 1

Department of Planning & Infrastructure – Planning Circular PS 13-003

- reinforce the purpose and status of DCPs as guidance documents used in local planning decision-making, and
- introduce flexibility in the way in which provisions in DCPs are applied by consent authorities when assessing development applications

The Amendment Act removes the direct conflicts between LEPs and DCPs, which have been a barrier to delivering new housing.

Purpose and status of development control plans

The Amendment Act makes it clear that the principal purpose of a DCP is to provide guidance to a consent authority and to people who are proposing to undertake development on land to which the DCP applies.

A planning authority may prepare a DCP to:

- give effect to the aims of an environmental planning instrument (for example, an LEP) that applies to the development
- facilitate development that is permissible under an environmental planning instrument, and
- achieve the objectives of land zones under an environmental planning instrument.

Returning DCPs to guideline documents

The Amendment Act returns the status of DCPs to their original purpose as a guideline and confirms the status of LEPs as the primary statutory planning document for an area—providing the permissibility of land uses in a particular zone and principal development standards (for example, height, floor space ratios and subdivision standards).

DCPs will retain an important role in the planning system as guidelines for development and must still be considered by councils in assessing development applications. They are not being turned off.

The Amendment Act reinforces that the provisions contained in a DCP are not statutory requirements and are for guidance purposes only.

The Amendment Act does not specify how much weight should be given to a DCP. Instead, the weight a consent authority gives to a DCP in assessing a development application will depend on a number of factors, including whether the DCP provides a sensible planning outcome that is consistent with other policies, including all council LEPs.

Flexible evaluation of development applications

The Amendment Act introduces flexibility in the way in which provisions in a DCP are to be considered by a consent authority when assessing a development application.

Consent authorities now have more power to be flexible and consider innovative solutions when assessing development proposals, helping to create good planning outcomes.

Under the changes, if a development application complies with the provisions of a DCP, a consent authority is not able to apply more onerous standards.

Similarly, if a development application does not comply with provisions in a DCP, a consent authority must be flexible in the way it applies the controls and also allow for reasonable alternative solutions to achieve the objectives of those standards.

A consent authority may only consider the DCP's development standards in connection with the assessment of the particular development application before it.

Savings Provisions

The provisions in the Amendment Act relating to DCPs commenced on 1 March 2013. The changes apply to the determination of development applications made after that date.

Relationship with existing development control plans

There is no need for councils to amend or prepare new development controls because of the Amendment Act's changes.

Nothing in the Amendment Act changes the application of a council's existing DCP. The changes concern only the purpose and status of a DCP and the way in which a council is to use it when assessing development applications.

Extension of indemnity for breach of copyright

Copyright may exist in documents submitted as part of the development assessment or plan-making processes under the EP&A Act.

As an example, architectural plans are protected by copyright under the Commonwealth *Copyright Act 1968* (the "Copyright Act").

In relation to such documents, the Copyright Act provides that the copyright owner (usually the architect) has the exclusive right to do certain acts in relation to those documents, including to reproduce or publish the plans and to make the plans available online.

With certain limited exceptions, it is unlawful for another person to do any act (or authorise the doing of any act) which is the exclusive right of the copyright owner, unless that person has a licence from the copyright owner.

This proves problematic for councils given the requirements for documents to be made publicly available as part of the development assessment and plan-making processes under the EP&A Act.

Current position

In response to this issue, the EP&A Act and the EP&A Regulation contain provisions which provide an indemnity for breach of copyright in relation to the use of certain documents.

ITEM 11 (continued)

ATTACHMENT 1

Department of Planning & Infrastructure – Planning Circular PS 13-003

Under those provisions, the applicant or proponent (as applicable) indemnifies all persons against any claim for breach of copyright for using the following documents in accordance with the EP&A Act:

- a development application and accompanying documents
- a complying development certificate application and accompanying documents
- an environmental impact statement under Part 5 of the Act.

Summary of the changes

Given the significant concern raised by councils in relation to this issue, the Government has sought to extend the existing indemnity provisions to cover other types of documents which may be required to be exhibited or made available under the EP&A Act.

The Amendment Act inserts a new provision into the EP&A Act which continues to provide an indemnity in relation to development applications, applications for complying development certificates and Part 5 environmental impact statements.

However, under the changes, the EP&A Act will now also provide for an indemnity in relation to the use of documents that are part of the following 'planning matters':

- an application for approval, or to modify an approval, for State significant infrastructure
- a transitional Part 3A project or concept plan application (or a request to modify an approval or concept plan) and any environmental assessment or report under the former Part 3A
- an environmental impact statement (including any preferred infrastructure report) under Part 5.1
- a planning proposal under Part 3, and
- a planning agreement.

Generally, the indemnity is provided by the applicant or proponent. The regulations may also identify other planning matters in relation to which an indemnity for breach of copyright is provided.

Extent of indemnity

It is important to note that the indemnity applies only to the use of documents for the purposes of the EP&A Act. It does not apply to the reproduction or distribution of copyright material under the *Government Information (Public Access) Act 2009*.

Also, the EP&A Act cannot overrule the Commonwealth Copyright Act. Rather, the Amendment Act expands the statutory copyright indemnity available to councils to cover a wider range of documents required to be made publicly available under the EP&A Act.

Changes relating to bush fire prone land

The EP&A Act includes provisions relating to bush fire prone land. While the provisions in the Amendment Act that relate to the assessment of development on bush fire

prone land have been proclaimed, the necessary regulations have not been made.

The changes allow the Rural Fire Service Commissioner to update bush fire prone land maps and will allow an exemption from assessment under s79BA of the EP&A Act where bush fire measures are addressed at subdivision.

The provisions will apply to urban release areas in the first instance. Relevant councils have been contacted and have provided input into mapping release areas for the purposes of the provisions.

Changes to the requirements for occupation certificates

The amendments to the EP&A Regulation include a change to the requirements for occupation certificates.

The amendments require that an occupation certificate must not be issued unless the design and construction of the new building, or any part of the new building that is completed, are not inconsistent with the development consent or complying development certificate.

A reference to development consent includes a reference to a construction certificate that is taken to form part of the development consent.

The changes only apply to the issue of occupation certificates where the development consent or complying development certificate was issued on or after 1 March 2013.

Further Information

A copy of this circular is available at <http://www.planning.nsw.gov.au>

A copy of the Amendment Act is available at <http://www.legislation.nsw.gov.au>

For further information please contact the Department of Planning and Infrastructure's information centre on 1300 305 695.

Authorised by:

Sam Haddad
Director-General

Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

© State of New South Wales through the Department of Planning & Infrastructure www.planning.nsw.gov.au

Disclaimer: While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

12 ADVISORY COMMITTEE - ACCESS MINUTES OF 6 MARCH MEETING

Report prepared by: Access and Equity Co-ordinator

File No.: GRP/09/4/1/7 - BP13/415

REPORT SUMMARY

The Access Advisory Committee met on 6 March 2013. The Committee made two recommendations submitted in the attached Minutes (**ATTACHMENT 1**) for Council's consideration.

These recommendations are reported to Council for endorsement.

RECOMMENDATION:

- (a) That Council endorse the attached Terms of Reference for this Access Advisory Committee (**ATTACHMENT 2**).
- (b) That Council write to the State Minister for Transport, The Hon. Gladys Berejiklian MP, supporting an increase in the financial support available to eligible people under the NSW Taxi Transport Subsidy Scheme, indicating Council's support for the Spinal Cord Injury Australia's campaign.
- (c) That Council write to local Members of Parliament requesting that they make representations to the State Minister for Transport, The Hon. Gladys Berejiklian MP, on behalf of City of Ryde residents seeking an increase in the financial support available to eligible people under the NSW Taxi Transport Subsidy Scheme and indicating Council's support for the Spinal Cord Injury Australia's campaign.

ATTACHMENTS

1 Minutes - Access Advisory Committee - 6 March 2013

2 Draft Access Terms of reference - March 2013

Report Prepared By:

William Davies
Access and Equity Co-ordinator

Report Approved By:

Baharak Sahebekhtiari
Manager - Community & Culture

Tatjana Domazet
Acting Group Manager - Community Life

ITEM 12 (continued)

Discussion

The Access Advisory Committee Minutes for 6 March 2013 are (**ATTACHED**) for Council's consideration. Two of the Committee's recommendations are discussed.

1. Terms of Reference

Council resolved *inter alia* on 27 November 2012 that *each Advisory Committee be requested to review their Terms of Reference at their first meeting and report back to Council for confirmation on this matter.*

A draft Terms of Reference (TOR) for the Access Advisory Committee is submitted for Council's consideration and adoption.

The content specific to the Access Advisory Committee TOR was discussed at its first meeting on 6 March 2013 and the Committee endorsed the following:

* *The primary role of the Committee is to:*

- *Provide advice to Council to ensure that **all** residents and visitors to the City of Ryde are able to participate actively in all aspects of community and civic life and that Council recognises and values the diversity of its community.*

* *Responsibilities*

The Committee is responsible for providing advice and feedback to Council on:

- *The development, implementation and review of the Community Strategic Plan and Delivery Plans, major projects and Council's policies and procedures.*
- *Council's advice to State and Commonwealth governments on major areas of reform, for example the National Disability Strategy and transition to individualised funding packages.*

* The following definition as used in the *UN Convention on the Rights of Persons with Disabilities* is now referenced:

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

* The Committee requested that the last meeting of the year be brought forward to November rather than being in the first week of December. The third Wednesday in November, being 20 November 2013, is available for this meeting.

ITEM 12 (continued)

2. NSW Taxi Transport Subsidy Scheme (TTSS)

The Spinal Cord Injury Association of Australia has requested support for its campaign to improve the level of support for people with disability eligible to use this scheme.

Transport for NSW is reviewing subsidy levels for the TTSS.

TTSS has been in operation since 1981 to assist people with a disability using the taxi network by covering 50 percent of the cost up to a maximum of \$30. This maximum level has been in place since 1999 when it was raised from \$25. In the 14 years since cab fares have risen significantly and the subsidy level has not kept pace with the increases in prices.

The TTSS has not increased since 1999, despite a considerable increase in taxi fares. As a consequence, people with disability who rely on taxis to access the community spend a disproportionately high amount of their income on transport.

People with disability generally have fewer options for accessible and affordable transport. The cost of taxi transport is relatively expensive and the TTSS is currently inefficient and ineffective. Many people with a physical disability who use wheelchair accessible taxis use TTSS as their only accessible transport option. Many of them receive CentreLink benefits or are lower-income earners.

Accessible and affordable transport provides people with disability with the opportunity to participate in society as active citizens by increasing the opportunity to access and maintain their education, training, and employment as well as increasing community access and minimising social isolation.

In 2008, Victoria doubled its subsidy level of the Multi Purpose Taxi Program, from \$30 to \$60. This means that people can travel greater distances than in NSW up to a fare of \$120 and still pay only half this amount. Also, Victoria has double the budget of NSW with Victoria spending \$50 million per annum. It is also worth noting that Victoria has a far greater membership than the TTSS.

Consultation with relevant external bodies

Anthony Jones, Policy & Advocacy Officer, Spinal Cord Injuries Australia.

Financial Impact

Adoption of these recommendations will have no financial impact.

ITEM 12 (continued)

ATTACHMENT 1

MEETING RECORD

City of Ryde

Subject: Access Advisory Committee – Minutes of Meeting
6 March 2013 Page 1 of 4

Subject: Access Advisory Committee
File No: COR 2013/207
Document Ref: D13/22225
Venue: Meeting Room 1, Level 5, Civic Centre
Date: 6 March 2013
Time: 5.00pm Started at: 5.00 pm Closed at: 6.35 pm
Chair: Councillor Denise Pendleton
Meeting Support (MS): Linda Smith – EA to the Mayor and Councillors
Staff Convenor: William Davies
Circulation: committee members

Committee Role:

Provide advice to Council to ensure that **all** residents and visitors to the City of Ryde are able to participate actively in all aspects of community and civic life and that Council recognises and values the diversity of its community.

Present	Apology	Name	Position Title	Organisation
x		Clr Denise Pendleton	Chairperson	City of Ryde
x		Brian Bernard	Community Representative	
		Victoria Brookman	Community Representative	
x		Connie Netterfield	Community Representative	
x		Diane O'Brien (from item 4)	Community Representative	
x		Doris Carrall	Community Representative	
x		Greg McClure	Community Representative	
x		Barbara Stannard (from item 4)	Community Representative	
x		Hazel Myers	Community Representative	
x		Neita Matthews OAM	Community Representative	
x		William Davies	Section Manager Access & Equity	City of Ryde

	Details	Action	Responsibility and Date
1.	Present: As above.	Noted	
2.	Apologies: Karen Nicholas has withdrawn from the committee due to ill health.	Noted	

ITEM 12 (continued)

ATTACHMENT 1

MEETING RECORD

City of Ryde

Subject: Access Advisory Committee – Minutes of Meeting		Page 2 of 4
6 March 2013		
3. Vale: Jenny Armstrong	Members spoke of the wonderful contribution Jenny had made to the Advisory Committee over a number of years. Her expertise and input will be greatly missed. It was noted that at the time of her death, Jenny had recently returned from assisting at the Paralympic Games in London and that she was extremely happy in her personal life.	Members of the committee stated they would encourage Council to set a good example in disability issues in memory of Jenny.
4. Agenda Item 1 - Confirmation of Terms of Reference	<p>Terms of Reference have been provided in the context of the delivery <i>City of Ryde's four year Community Strategic Plan</i> and <i>Delivery Plans</i>.</p> <p>Suggested changes to the Roles and Responsibilities sections were confirmed. The definition of disability used in the United Nations Convention on the Rights of Persons with Disabilities will be used.</p> <p><i>As some members of the committee were still not in attendance, general discussion took place.</i></p> <p>It was noted that whilst this committee deals with local issues, it must consider how State and Commonwealth decisions affect people who live and work in this local area.</p> <p>The committee has members who have extensive practical experience with regard to access and disability issues and can provide very relevant advice to Council and other groups.</p> <p>There was concern that in the past, some requests and recommendations of the committee had not been acted on and that advice did not always come back to the committee after matters were raised.</p> <p>Members were asked to review previous minutes and email any outstanding issues.</p> <p>Councillor Pendleton provided information about the newly established Citizen Engagement Advisory Committee which will report to Council.</p>	<p>Noted</p> <p>Minutes will be taken at each meeting and actions tracked and listed for future meetings</p> <p>Review minutes & email Janice Lee J.Lee@ryde.nsw.gov.au</p> <p>By 30.4.13</p>

ITEM 12 (continued)

ATTACHMENT 1

MEETING RECORD

City of Ryde

Subject: Access Advisory Committee – Minutes of Meeting
6 March 2013 Page 3 of 4

	<p>Clr Pendleton advised that refurbishment of the Civic Centre building is being investigated and that access and disability issues will be considered as part of that process.</p>	<p>Ensure that access/disability issues are considered in any refurbishment so retrofitting is not required.</p>	
	<p>As all members were now present, each member provided a brief statement detailing their reason for nominating for the committee.</p> <p>All members have practical experience in disability and access issues; either through personal experience, as a carer or through their employment.</p>		
<p>5</p>	<p>Agenda Item 2 – Disability Services Reform</p> <p>William provided a summary of the reforms taking place at present.</p> <ul style="list-style-type: none"> • The Federal <i>Aged Care Act 1997</i> – which deals with residential homes is under review • The way NSW will implement new National Disability legislation was explained. Some sections are more relevant than others to local councils. In some areas, councils can act as advocates • With regard to sweeping reform in NSW, many government areas (including Aged Disability and Home Care, Arts, Premier and Cabinet, Local Government) will work together. Progress of items will be strictly tracked. <p>It was noted that often the access standards are minimums and that this causes problems. Local examples include commuter bus access to Top Ryde shopping centre, and access at swimming pools. It is also important to assess whether the provisions of the <i>Disability Discrimination Act 1992</i> are being followed and if there is undue hardship precluding implementation of measures intended to improve access. A reasonable balance is necessary.</p> <p>The change to funding for Home and Community Care Disability Services and a trial of the National Disability Insurance Scheme (NDIS) in the Hunter region were discussed. Hazel and Greg advised they had been to workshop last year for the Macquarie Park Pedestrian Access Mobility Plan</p>	<p>Noted</p>	

ITEM 12 (continued)

ATTACHMENT 1

MEETING RECORD

City of Ryde

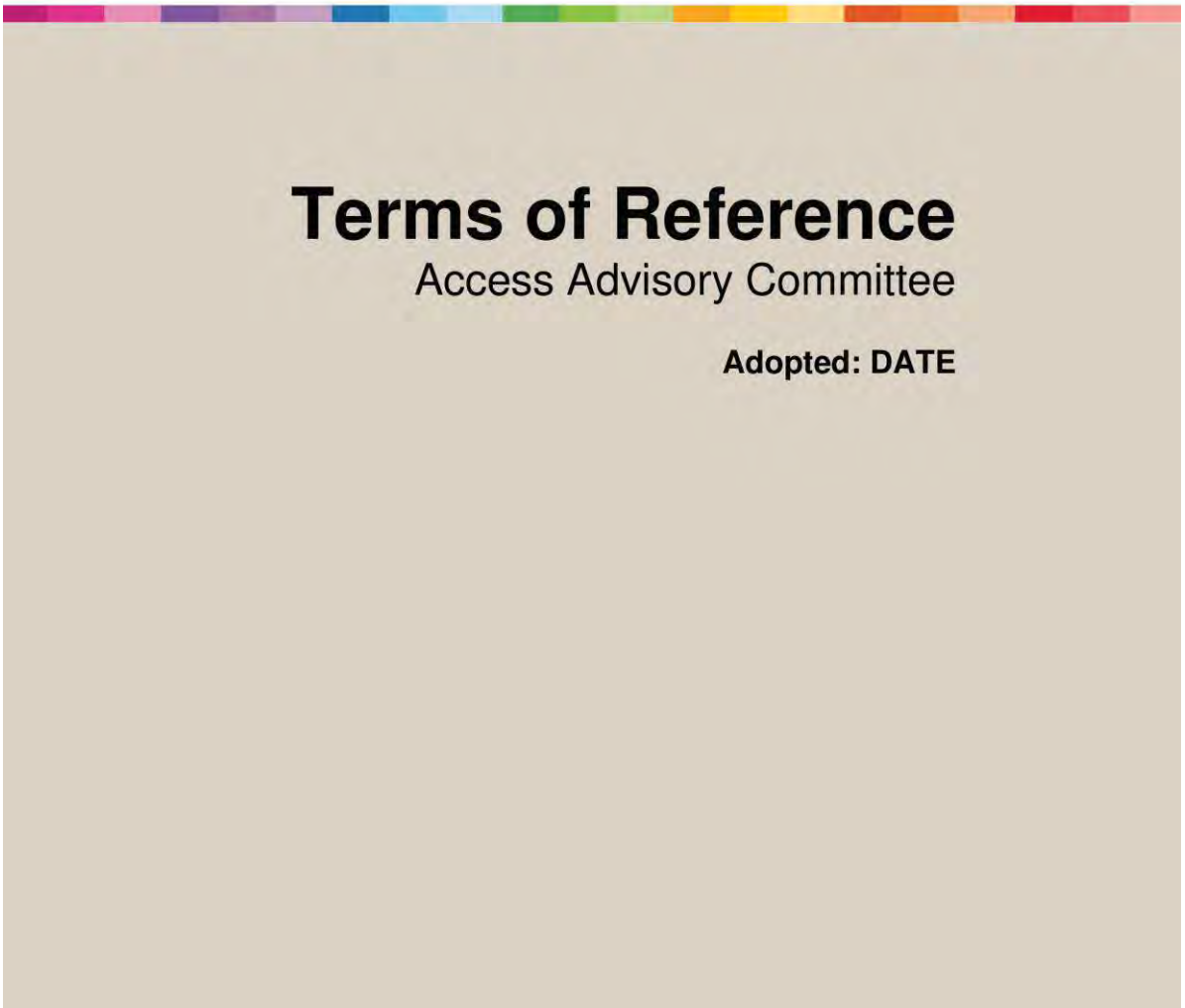
Subject: Access Advisory Committee – Minutes of Meeting		Page 4 of 4
6 March 2013		
(PAMP) which was very worthwhile. Clr Pendleton offered to provide copies of the National Disability Strategy NSW Implementation Plan 2012-14 for circulation.		
6. Other Business		
Livvi's Place Members who have attended the new inclusive playground in Yamble Reserve advised that it is a wonderful addition to the local area. A couple of issues regarding signage and toilets have been referred to the relevant staff.	Noted	
Taxi subsidies Council has been asked to support a move by Spinal Cord Injuries Australia to have taxi subsidies increased. There will be a report to Council recommending that support be provided and letters be forwarded to the relevant government area.		
7. Future meetings		
Wednesday 13 March – A special meeting regarding Macquarie Park Pedestrian Access Mobility draft will be held. Proposed meeting dates for regular meetings are: 5 June 4 September 4 December – It was suggested that this meeting be moved to November. Members will be kept informed about the proposed new date.		

ITEM 12 (continued)

ATTACHMENT 2



 City of Ryde
Lifestyle and opportunity @ your doorstep



ITEM 12 (continued)
ATTACHMENT 2

Copyright © 2010 City of Ryde
 All Rights Reserved
 No part of the contents of this document may be reproduced or distributed in any form or by any means without the prior written permission of City of Ryde

Document Version Control

Document Name:	Terms of Reference – (Committee)
Document ID:	D12/85676 (Standard) D1# / #### (Specific)
Document Status:	Draft – presented to Council for consideration
Version Number:	Version 1.6
Date:	6 February 2013
Author:	City of Ryde
Authorised By:	Council on 16 October 2012
Distribution:	Council

Change History

Version	Issue Date	Author	Reason for Change
1.2	20/4/10	Shane Sullivan	Resolution of Council 7 October 2008: - that at least one (1) Councillor delegate is required to be appointed (with no upper limit) : page 4 - that the Mayor not automatically be represented on certain Committees : page 4 - that where the Mayor is appointed to be a delegate on an Advisory Committee, it not be necessary that the Mayor be Chairperson of this Committee : page 6 - that a Councillor or an appropriate staff member be Chairperson on an Advisory Committee : page 6
1.2	20/4/10	Shane Sullivan	Resolution of Council 8 July 2008 Minutes of all Advisory Committees to be incorporated in the business papers of the next Council/Committee meeting and then placed on Council's website. : page 7
1.2	20/4/10	Shane Sullivan	Resolution of Council 20 April 2010 Provisions for casual vacancies: page 5
1.3	14/9/10	Jennifer Anderson	Resolution of Council 14 September 2010 All Minutes are to be reported in CIB unless a Council resolution of Council is required. Minutes are to be placed on Council's website within 5 days of the Committee Meeting.
1.4	24/8/11	Shane Sullivan	Reformat to align with City of Ryde branding. Insert paragraph linking role to Community Strategic plan

ITEM 12 (continued)

ATTACHMENT 2



1.5	1/11/12	Lorie Parkinson	Resolution of Council 16 October 2012. If a member of a Committee misses three consecutive meetings without apology, the position becomes vacant: page 5.
1.6	6/2/13	Lorie Parkinson	Removal of reference to "Committee of the Whole", as it is no longer in existence.

Contents

1. Roles	4
2. Responsibilities.....	4
3. Membership, Chairperson and Voting	4
4. Meetings.....	7
5. Communications and Reporting	7
6. Code of Conduct and Other Council Policies	8



ITEM 12 (continued)

ATTACHMENT 2

1. Roles

The City of Ryde has adopted a Community Strategic Plan and Delivery Plan that will shape all activities and projects over the next four years. Council's Advisory Committees are an important mechanism for consultation, advice and feedback to Council staff on implementation and review of the Community Strategic Plan.

The primary role of the Committee is to:

- Provide advice to Council to ensure that **all** residents and visitors to the City of Ryde are able to participate actively in all aspects of community and civic life and that Council recognises and values the diversity of its community.

2. Responsibilities

The Committee is responsible for providing advice and feedback to Council on:

- The development, implementation and review of the Community Strategic Plan and Delivery Plans, major projects and Council's policies and procedures.
- Council's advice to State and Commonwealth governments on major areas of reform, for example the National Disability Strategy and transition to individualised funding packages.

3. Membership, Chairperson and Voting

Membership of the Committee comprises:

- No less than one (1) Councillor appointed annually
(Resolution of Council, 7 October 2008)
- Twelve (12) community representatives

Note: the Mayor is not automatically represented on certain Committees
(Resolution of Council, 7 October 2008)

Local residents shall be appointed by resolution of Council following advertisement for nominations in at least one local newspaper, on Council's website and in the Mayoral Column. Nominations are to be in writing and are to be circulated in full to the Councillors for evaluation. The Committee will not be involved in the evaluation or selection process of any local resident representatives. These members shall be:

- Persons with specialist skills relevant to access issues; e.g. engineers, architects, occupational therapists or residents with disability
- People who reside, work or visit the Ryde Local Government Area who have a demonstrated commitment to access issues
- Representatives from community groups/organisations representing people with disabilities as defined in the UN Convention on the Rights of Persons with Disabilities.

ITEM 12 (continued)

ATTACHMENT 2

The following City of Ryde staff ordinarily attend the Committee meetings but are not members of the Committee:

- Section Manager Access & Equity, Community and Culture – Committee Facilitator
- Service Unit Manager – Asset Systems (as needed)
- Service Unit Manager - Environmental Health & Building (as needed)
- Governance staff member (in attendance only - for taking of minutes)

Council officers will provide professional advice and administrative support. It should be noted that employees of the Council are not subject to the direction of the Advisory Committee or any members thereof.

Term of Membership to Committee

Members appointed to the Committee shall be appointed for the 4-year (or remainder thereof) term of the current Council, although membership can be altered at any time by resolution of Council. Each September, the current membership of the Committee will be submitted to Council for confirmation.

Membership of the Committee can be withdrawn by resolution of Council only. Council staff will be appointed and removed by the General Manager.

If a member of a Committee misses three consecutive meetings without apology, their membership will be withdrawn and the position will be deemed vacant. *(Resolution of Council, 16 October 2012).*

Casual Vacancy

(Resolution of Council, 7 October 2008)

A casual vacancy caused by the resignation or death of a Member, or the withdrawal of membership, will be filled by undertaking the following process:

- (i) Where a casual vacancy occurs, the Committee Facilitator will report this matter to the next Advisory Committee meeting and record it appropriately in the Minutes, and highlight it in the report to the next available Council Meeting.
- (ii) The Committee Facilitator will provide a report to the next available Council Meeting regarding the proposed replacement that will give consideration to the following options:
 - (a) If the Member was nominated as the representative of an organisation it will be recommended that the organisation be invited to nominate a replacement representative (if no alternate member has previously been nominated).
 - (b) If the Member was nominated as an individual, the Committee Facilitator will review the original expressions of interest received and will confirm if any of those individuals who were previously nominated, are still prepared to be considered as a member of the respective committee for the Committee.
 - (c) Where, due to either no other previous nominations, or those nominations not being current, an expression of interest will be called for in replacing member/s, for appointment by Council.

ITEM 12 (continued)

ATTACHMENT 2

- (d) Where a vacancy occurs within 9 months of the end of the term of the current Council, the vacancy will not be filled
- (iii) Once endorsed by Council, a Member filling a casual vacancy will hold office for the remainder of the term of the Member he/she has replaced

The Chairperson of the Committee is:

- A Councillor or Staff Member as elected by Council.

The Chairperson is to have precedence at the meeting and shall determine the order of proceedings, generally as set by the agenda.

All remarks by members of the Committee and others present shall be made through the Chairperson. In the absence of the Chairperson, another Councillor Member of the Committee or the Committee Facilitator shall chair the meeting.

A staff member appointed as Chairperson of the Committee, does not become a formal member of the Committee by virtue of this position. All staff are representatives of Council only and not members of the Committee. It is not necessary that the Chairperson be a member of the Committee.

Council's Code of Meeting Practice shall be used as the reference guide for any matters pertaining to the Committee meetings that are not otherwise outlined in these Terms of Reference.

The Chairperson is to be a staff member or Councillor. Where the Mayor is appointed to be a delegate, it is not necessary that the Mayor be the Chairperson of this Committee.
(Resolution of Council, 7 October 2008)

Committee Facilitator

A Committee Facilitator shall be appointed by the General Manager. The Facilitator shall be a staff member of Council and is responsible for coordinating the preparation of agendas, invitations and minutes of the Committee. The Facilitator shall also be responsible for coordinating any presentations from guest speakers and for considering requests from members of the public to address the Committee. The Facilitator has the right to refuse a request from a member of the public to address the Committee if it is deemed more appropriate for that person to address a formal Council or Committee meeting.

Voting

No formal voting rules apply. As the Committee has an advisory role, its recommendations are made by consensus and no recommendation is deemed to be a decision of Council unless the matter is referred to Council for determination. If consensus is not achieved, and if required, the matter shall be referred to Council for determination.

Proxy

ITEM 12 (continued)**ATTACHMENT 2**

No voting by proxy is permitted. Only members in attendance at the meeting shall be entitled to participate in the decision making process of the Committee. If a member is unable to attend the meeting but wishes to be in attendance for discussion of a particular matter, he/she can notify the Chairperson prior to the meeting to request deferral of the item to a subsequent meeting or to request that the Chairperson formally indicate the member's view to the Committee during the discussion on the matter. The Committee shall decide if a matter is to be deferred to a subsequent meeting based on the representations made to the Chairperson by the absent member.

Quorum

As the Committee is advisory only no quorum is required, however, the Chairperson shall use his/her discretion to determine if any item on the agenda should be deferred to a future meeting if it is considered there are insufficient people at the meeting to consider the item.

4. Meetings**Meeting Schedule and Procedures**

Meetings are to be held on the first Wednesday of March, June, September, and on the third Wednesday in November. The Chairperson has the authority to call meetings. *(Note: At 6 March 2013 meeting the committee requested that the last meeting of the year be held in November rather than December.)*

The Agenda & meeting papers shall be circulated to members at least 3 days prior to meeting.

Each meeting shall be properly recorded by the taking of minutes.

Public Participation

All meetings of the Committee are public meetings. Members of the public and media can attend meetings as observers, however, they cannot speak at a meeting unless prior arrangements are made through the Committee Facilitator. Presentations shall be limited to a maximum of 5 minutes.

5. Communications and Reporting

The agendas and minutes of the Committee shall be stored as a permanent record of Council, as determined by the General Manager.

The minutes of each meeting shall be circulated to all members as soon as practicable. Any questions by members regarding the minutes are to be referred immediately to the Committee Facilitator and if any error in the minutes is confirmed, the Committee Facilitator shall arrange to make the appropriate changes.

The Minutes of all Advisory Committees will be reported in the Councillor Information Bulletin within two (2) weeks of the Committee meeting. However, if a resolution of Council is required, e.g. allocation of funds, resources or an amendment to any Council Policy, then the Minutes shall be reported to the next available Council meeting. *(Resolution of Council, 14 September 2010)*

All agendas shall be published on Council's website within 5 days of completion.

ITEM 12 (continued)

ATTACHMENT 2

All Advisory Committee minutes shall be published on Council's website within 5 days of completion or adoption by Council. *(Resolution of Council, 14 September 2010)*

A report may be prepared for Council's consideration where the Committee suggests an action (or actions) which staff cannot carry out within existing delegations.

Members of the Committee are not permitted to speak to the media as representatives of the Committee unless approved by Council.

6. Code of Conduct and Other Council Policies

Each Committee member who is not otherwise a Councillor or staff member shall be provided with a copy of Council's Code of Conduct and other related policies that may be applicable to the operation of the Committee.

The conduct of each Committee member is expected to be consistent with the principles outlined in these Council publications.

13 ADVISORY COMMITTEE MEETING- STATUS OF WOMEN

Report prepared by: Coordinator Community Project (Sector Development)
File No.: GRP/09/4/1/7 - BP13/530

REPORT SUMMARY

This report provides Council with a summary of the Status of Women Advisory Committee meeting held on 14 March 2013.

As resolved by Council, this Committee reviewed the 2010 Terms of Reference, and are proposing changes and updates for Council's endorsement as **ATTACHED**.

The report also submits for endorsement a recommendation made by the Committee at its meeting that a Mayoral morning tea be held for International Women's Day Exhibition Prize winners and highly commended artists.

RECOMMENDATION:

- (a) That Council endorse the **ATTACHED** Terms of Reference for the Status of Women Advisory Committee.
- (b) That a Mayoral morning tea be organised for the International Women's Day Art Exhibition prize winners and highly commended artists. Invitees to include Status of Women Advisory Committee members.

ATTACHMENTS

- 1 Status Of Women Advisory Committee Terms of Reference - March 2013
- 2 Minutes Status of Women Advisory Committee - 14 March 2013

Report Prepared By:

Jonathan Nanlohy
Coordinator Community Project (Sector Development)

Report Approved By:

Baharak Sahebekhtiari
Manager - Community & Culture

Tatjana Domazet
Acting Group Manager - Community Life

ITEM 13 (continued)

Discussion

The Status of Women Advisory Committee met on 14 March and discussed the Draft Terms of Reference. The Committee recommended the following changes to the document specific to its functions:

Roles

The primary role of the Committee is to:

Provide advice to Council on improving the ways in which women in the City of Ryde are able to participate and engage actively in all aspects of community and civic life.

Responsibilities

The Committee is responsible for providing advice and feedback to Council on:

- The development, implementation and review of the Community Strategic Plan and Delivery Plans, major projects and Council's policies and procedures regarding their relevance for women in Ryde
- Council's advice to State and Commonwealth governments on policy areas and issues that impact on women.

Meetings

- Meetings are to be held on the first Thursday of March, June, September, and December.


2013 International Women's Day Art Exhibition

At the Status of Women Advisory Committee meeting a discussion took place on the International Women's Day Art 2013 Art Exhibition that was originally instigated by the Committee. The Committee agreed that Council could show its appreciation of the Art Exhibition's prize winners and highly commended artists by having a Mayoral morning tea with the artists and Status of Women Advisory Committee members.

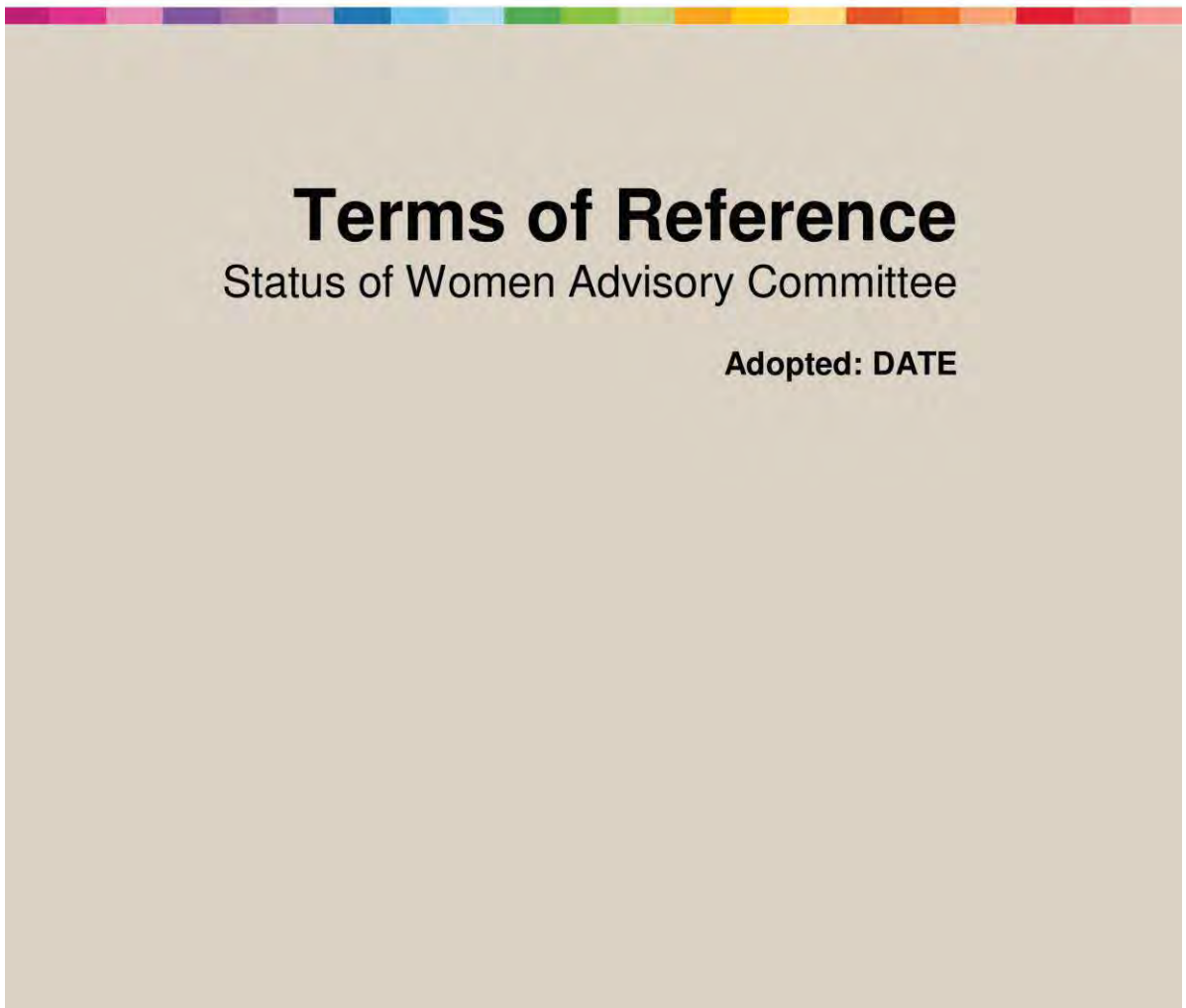
ITEM 13 (continued)

ATTACHMENT 1



 City of Ryde

Lifestyle and opportunity @ your doorstep



ITEM 13 (continued)

ATTACHMENT 1



Copyright © 2010 City of Ryde
All Rights Reserved
No part of the contents of this document may be reproduced or distributed in any form or by any means without the prior written permission of City of Ryde

Document Version Control

Document Name:	Terms of Reference – (Committee)
Document ID:	D12/85676 (Standard) D1# / #### (Specific)
Document Status:	Draft – presented to Council for consideration
Version Number:	Version 1.6
Date:	6 February 2013
Author:	City of Ryde
Authorised By:	Council on 16 October 2012
Distribution:	Council

Change History

Version	Issue Date	Author	Reason for Change
1.2	20/4/10	Shane Sullivan	Resolution of Council 7 October 2008: - that at least one (1) Councillor delegate is required to be appointed (with no upper limit) : page 4 - that the Mayor not automatically be represented on certain Committees : page 4 - that where the Mayor is appointed to be a delegate on an Advisory Committee, it not be necessary that the Mayor be Chairperson of this Committee : page 6 - that a Councillor or an appropriate staff member be Chairperson on an Advisory Committee : page 6
1.2	20/4/10	Shane Sullivan	Resolution of Council 8 July 2008 Minutes of all Advisory Committees to be incorporated in the business papers of the next Council/Committee meeting and then placed on Council's website. : page 7
1.2	20/4/10	Shane Sullivan	Resolution of Council 20 April 2010 Provisions for casual vacancies: page 5
1.3	14/9/10	Jennifer Anderson	Resolution of Council 14 September 2010 All Minutes are to be reported in CIB unless a Council resolution of Council is required. Minutes are to be placed on Council's website within 5 days of the Committee Meeting.
1.4	24/8/11	Shane Sullivan	Reformat to align with City of Ryde branding. Insert paragraph linking role to Community Strategic plan



ITEM 13 (continued)

ATTACHMENT 1



1.5	1/11/12	Lorie Parkinson	Resolution of Council 16 October 2012. If a member of a Committee misses three consecutive meetings without apology, the position becomes vacant: page 5.
1.6	6/2/13	Lorie Parkinson	Removal of reference to "Committee of the Whole", as it is no longer in existence.

Contents

1. Roles	4
2. Responsibilities.....	4
3. Membership, Chairperson and Voting	4
4. Meetings.....	8
5. Communications and Reporting	8
6. Code of Conduct and Other Council Policies.....	9



ITEM 13 (continued)**ATTACHMENT 1****1. Roles**

The City of Ryde has adopted a Community Strategic Plan and Delivery Plan that will shape all activities and projects over the next four years. Council's Advisory Committees are an important mechanism for consultation, advice and feedback to Council staff on implementation and review of the Community Strategic Plan.

The primary role of the Committee is to:

- Provide advice to Council on improving the ways in which women in the City of Ryde are able to participate and engage actively in all aspects of community and civic life.

2. Responsibilities

The Committee is responsible for providing advice and feedback to Council on:

- The development, implementation and review of the Community Strategic Plan and Delivery Plans, major projects and Council's policies and procedures regarding their relevance for women in Ryde
- Council's advice to State and Commonwealth governments on policy areas and issues that impact on women.

3. Membership, Chairperson and Voting

Membership of the <Committee> comprises:

- No less than one (1) Councillor appointed annually
(Resolution of Council, 7 October 2008)
- Twelve (12) community representatives

Note: the Mayor is not automatically represented on certain Committees
(Resolution of Council, 7 October 2008)

Local residents shall be appointed by resolution of Council following advertisement for nominations in at least one local newspaper, on Council's website and in the Mayoral Column. Nominations are to be in writing and are to be circulated in full to the Councillors for evaluation. The Committee will not be involved in the evaluation or selection process of any local resident representatives.

These members shall be:

- Women who represent women's organisations
- Highly regarded professional women
- Women from CALD backgrounds
- Young women
- Women who have previous advocacy experience highlighting women's issues
- Individuals with specialist skills and professional interest in issues affecting

ITEM 13 (continued)

ATTACHMENT 1

- Active community members

Women will be co-opted as required.

The following City of Ryde staff ordinarily attend the Committee meetings but are not members of the Committee:

- Manager – Community and Culture
- Coordinator Community Projects – Sector Development

Council officers will provide professional advice and administrative support. It should be noted that employees of the Council are not subject to the direction of the Advisory Committee or any members thereof.

Term of Membership to Committee

Members appointed to the Committee shall be appointed for the 4-year (or remainder thereof) term of the current Council, although membership can be altered at any time by resolution of Council. Each September, the current membership of the Committee will be submitted to Council for confirmation.

Membership of the Committee can be withdrawn by resolution of Council only. Council staff will be appointed and removed by the General Manager.

If a member of a Committee misses three consecutive meetings without apology, their membership will be withdrawn and the position will be deemed vacant. *(Resolution of Council, 16 October 2012).*

Casual Vacancy

(Resolution of Council, 7 October 2008)

A casual vacancy caused by the resignation or death of a Member, or the withdrawal of membership, will be filled by undertaking the following process:

- (i) Where a casual vacancy occurs, the Committee Facilitator will report this matter to the next Advisory Committee meeting and record it appropriately in the Minutes, and highlight it in the report to the next available Council Meeting.
- (ii) The Committee Facilitator will provide a report to the next available Council Meeting regarding the proposed replacement that will give consideration to the following options;
 - (a) If the Member was nominated as the representative of an organisation it will be recommended that the organisation be invited to nominate a replacement representative (if no alternate member has previously been nominated).
 - (b) If the Member was nominated as an individual, the Committee Facilitator will review the original expressions of interest received and will confirm if any of those individuals who were previously nominated, are still prepared to be considered as a member of the respective committee for the Committee.

ITEM 13 (continued)

ATTACHMENT 1

- (c) Where, due to either no other previous nominations, or those nominations not being current, an expression of interest will be called for in replacing member/s, for appointment by Council.
- (d) Where a vacancy occurs within 9 months of the end of the term of the current Council, the vacancy will not be filled
- (iii) Once endorsed by Council, a Member filling a casual vacancy will hold office for the remainder of the term of the Member he/she has replaced

The Chairperson of the Committee is:

- A Councillor or Staff Member as elected by Council.

The Chairperson is to have precedence at the meeting and shall determine the order of proceedings, generally as set by the agenda.

All remarks by members of the Committee and others present shall be made through the Chairperson. In the absence of the Chairperson, another Councillor Member of the Committee or the Committee Facilitator shall chair the meeting.

A staff member appointed as Chairperson of the Committee, does not become a formal member of the Committee by virtue of this position. All staff are representatives of Council only and not members of the Committee. It is not necessary that the Chairperson be a member of the Committee.

Council's Code of Meeting Practice shall be used as the reference guide for any matters pertaining to the Committee meetings that are not otherwise outlined in these Terms of Reference.

The Chairperson is to be a staff member or Councillor. Where the Mayor is appointed to be a delegate, it is not necessary that the Mayor be the Chairperson of this Committee.

(Resolution of Council, 7 October 2008)

Committee Facilitator

A Committee Facilitator shall be appointed by the General Manager. The Facilitator shall be a staff member of Council and is responsible for coordinating the preparation of agendas, invitations and minutes of the Committee. The Facilitator shall also be responsible for coordinating any presentations from guest speakers and for considering requests from members of the public to address the Committee. The Facilitator has the right to refuse a request from a member of the public to address the Committee if it is deemed more appropriate for that person to address a formal Council or Committee meeting.

Voting

No formal voting rules apply. As the Committee has an advisory role, its recommendations are made by consensus and no recommendation is deemed to be a decision of Council

ITEM 13 (continued)

ATTACHMENT 1



unless the matter is referred to Council for determination. If consensus is not achieved, and if required, the matter shall be referred to Council for determination.



ITEM 13 (continued)

ATTACHMENT 1

Proxy

No voting by proxy is permitted. Only members in attendance at the meeting shall be entitled to participate in the decision making process of the Committee. If a member is unable to attend the meeting but wishes to be in attendance for discussion of a particular matter, he/she can notify the Chairperson prior to the meeting to request deferral of the item to a subsequent meeting or to request that the Chairperson formally indicate the member's view to the Committee during the discussion on the matter. The Committee shall decide if a matter is to be deferred to a subsequent meeting based on the representations made to the Chairperson by the absent member.

Quorum

As the Committee is advisory only no quorum is required, however, the Chairperson shall use his/her discretion to determine if any item on the agenda should be deferred to a future meeting if it is considered there are insufficient people at the meeting to consider the item.

4. Meetings

Meeting Schedule and Procedures

Meetings are to be held on the first Thursday of March, June, September, and December. The Chairperson has the authority to call meetings.

The Agenda & meeting papers shall be circulated to members at least 3 days prior to meeting.

Each meeting shall be properly recorded by the taking of minutes.

Public Participation

All meetings of the Committee are public meetings. Members of the public and media can attend meetings as observers, however, they cannot speak at a meeting unless prior arrangements are made through the Committee Facilitator. Presentations shall be limited to a maximum of 5 minutes.

5. Communications and Reporting

The agendas and minutes of the Committee shall be stored as a permanent record of Council, as determined by the General Manager.

The minutes of each meeting shall be circulated to all members as soon as practicable. Any questions by members regarding the minutes are to be referred immediately to the Committee Facilitator and if any error in the minutes is confirmed, the Committee Facilitator shall arrange to make the appropriate changes.

The Minutes of all Advisory Committees will be reported in the Councillor Information Bulletin within two (2) weeks of the Committee meeting. However, if a resolution of Council is required, e.g. allocation of funds, resources or an amendment to any Council Policy, then the Minutes shall be reported to the next available Council meeting. *(Resolution of Council, 14 September 2010)*

All agendas shall be published on Council's website within 5 days of completion.

All Advisory Committee minutes shall be published on Council's website within 5 days of completion or adoption by Council. *(Resolution of Council, 14 September 2010)*

ITEM 13 (continued)

ATTACHMENT 1



A report may be prepared for Council's consideration where the Committee suggests an action (or actions) which staff cannot carry out within existing delegations.

Members of the Committee are not permitted to speak to the media as representatives of the Committee unless approved by Council.

6. Code of Conduct and Other Council Policies

Each Committee member who is not otherwise a Councillor or staff member shall be provided with a copy of Council's Code of Conduct and other related policies that may be applicable to the operation of the Committee.

The conduct of each Committee member is expected to be consistent with the principles outlined in these Council publications.



ITEM 13 (continued)

ATTACHMENT 2

MEETING RECORD

City of Ryde

Subject:	Status of Women Advisory Committee – Draft Minutes of Meeting 14 March 2013	Page 1 of 5
-----------------	--	-------------

Subject:	Status of Women Advisory Committee – Draft Minutes of Meeting	Page 1 of 4
File No:		
Document Ref:		
Venue:	Acacia Rm, 1A Pope Street Top Ryde	
Date:	Thursday 14 March 2013	
Time:	5.30 pm	Started at: Closed at:
Chair:	Councillor Denise Pendleton	
Meeting Support (MS):	Carol Mikaelian	
Staff Convenor:	Jonathan Nanlohy	
Circulation:	Attachment 1: Roles and Responsibilities Advisory Committee	

Committee Role:

The primary role of the Status of Women Advisory Committee is to:

- Provide advice to Council on improving ways in which the women in the City of Ryde are able to participate and engage actively in all aspects of community and civic life.

Committee Members as per the Terms of Reference

Present	Apology	Name	Position Title	Organisation
✓		Councillor D Pendleton	Chairperson	City of Ryde
	✓	Councillor G Simon	Delegate	City of Ryde
✓		Ms Margarita Grunberg	Community Representative	
✓		Ms Rose Torossian	Community Representative	
✓		Ms Victoria Brookman	Community Representative	
✓		Ms Nora Alexanian	Community Representative	
✓		Ms Marg Somerville	Community Representative	
	✓	Ms Simone Checchia	Community Representative	
✓		Jonathan Nanlohy	Social Policy and Planning Coordinator	City of Ryde

Additional Attendees

Name	Position Title	Organisation
Carol Mikaelian	Councillor Support Coordinator	City of Ryde
Agnes Shim	Community Representative	
Ivy Pang	Community Representative	

Details	Action	Responsibility and Date
1. Welcome:	Noted	
2. Apologies:	Noted	

ITEM 13 (continued)

ATTACHMENT 2

MEETING RECORD

City of Ryde

Subject: Status of Women Advisory Committee – Draft Minutes of Meeting
14 March 2013 Page 2 of 5

Details	Action	Responsibility and Date
<p>3. Confirmation of Terms of Reference</p> <p>Clr Pendleton discussed the Terms of Reference and advised that the first 2 points have been tailored specifically to this committee.</p> <p>Clr Pendleton asked the committee members why they have joined and what it is that they're hoping the committee to achieve.</p> <p>Ms Grunberg advised that she was part of the inaugural Advisory Committee where she was part of the organisation of the White Ribbon Breakfast, Talks about women's Issues including Violence against women and art shows.</p> <p>Ms Shim advised that she is based in Ryde LGA and was also a member of the committee when the committee started. She is interested in working together in women's issues.</p> <p>Ivy advised that she works with 1000 members, 200 active members, mostly aging people, and would like to bring her professional experience to this committee</p> <p>Ms Torossian advised that she wants to make a difference for the Local area of Ryde, specifically for women, as there are lots of ethnic groups and women in those ethnics groups who are marginalised. She wants to help inform these women of their rights and help them progress</p> <p>Ms Somerville advised that she is an active community member; and wants Ryde to take more notice to Women.</p> <p>Ms Brookman advised that as a local mum wants to organise things that benefit mums with young children, such as the Magic Yellow Bus, and wants to be involved in trying to improve the lives of mums and children in the area. To make sure that families and communities are catered for local community areas are preserved.</p> <p>Ms Alexanian advised that as a professional who also runs a local rescue in the Ryde LGA, she wanted to join a committee for women and utilise her expertise.</p> <p>Clr Pendleton discussed the Roles and Responsibilities as a committee and that the committee should focus on ways to link to the core plans of Council.</p> <p>Ms Somerville stated that she did not think she fell in any of the categories listed in Item 3 of the TOR.</p> <p>Clr Pendleton confirmed that she falls under Active Community Member.</p>		

ITEM 13 (continued)

ATTACHMENT 2

MEETING RECORD

City of Ryde

Subject: Status of Women Advisory Committee – Draft Minutes of Meeting
14 March 2013 Page 3 of 5

Details	Action	Responsibility and Date
<p>Clr Pendleton asked the committee "what are the barriers to women's participation in city life which Ryde council should be addressing in the delivery plan".</p> <p>Ms Brookman advised that as a breastfeeding mum, she felt that people are still being harassed in public places. Barrier is that people are not aware that it is against the law to ask a mother to stop breastfeeding in public.</p> <p>Ms Alexanian advised that elderlies find it a bit more challenging to do things in the City of Ryde - Barrier is access for elderly and transport issues.</p> <p>Ivy advised that publicity is not great, and although there are a lot of programs and activities, women/people are not aware on how to join or contribute. Council information isn't cutting through to the community.</p> <p>Ms Torossian expanded on Ivy's comments and advised that although, this is not particularly a female issue, women need to be informed and educated on the rules and rights of Council, in the form of a forum for example.</p> <p>Ms Alexanian advised that as a migrant coming to Ryde, she did not feel welcomed. There is a lack of communication from Council to newcomers. A welcome should be provided tailored to the persons profession/gender etc.</p> <p>Ms Shim advised that Council should consider providing a Women's Association. She also stated that Ryde Council does not provide much to the Korean Association as there are barriers linguistically and culturally.</p> <p>Ms Torossian advised that the Women's refuge needs to be publicised. Women that come from a non-English speaking culture may not know what their rights are.</p> <p>Ms Grunberg advised of the Personal barriers such as women being reluctant, shy or too busy.</p> <p>Ms Alexanian suggested that we categorise different women and activities that are accommodating to different groups. Not enough activities for professional time poor women.</p> <p>Ms Grunberg advised that accessibility in Ryde is not sufficient and feels that technology is another barrier.</p> <p>Clr Pendleton advised that the Community Plan will be discussed at the next meeting and focus on barriers we can work on as a committee.</p>	<p>That COR staff be advised of rights of breast feeding mothers to breast feed in public</p>	<p>Mr Nanlohy to raise with COR's HR</p>

ITEM 13 (continued)

ATTACHMENT 2

MEETING RECORD

City of Ryde

Subject: Status of Women Advisory Committee – Draft Minutes of Meeting 14 March 2013 Page 4 of 5

Details	Action	Responsibility and Date
<p>4. Agenda Item 2</p> <p><u>International Women's Day Debrief</u></p> <p>Mr Nanlohy advised that the International Women's Day Art Exhibition was an initiative of this committee. The theme of this event is linked to the International Women's Day Theme and is usually released two months prior to the exhibition. The first two events were held at the Brush Farm House and this year the event was held at the See Street Gallery, at the TAFE Meadowbank Campus.</p> <p>Mr Nanlohy further advised that in the first year, 90 submissions were made and this year 190 submissions were made. The submissions were broken down into three categories.</p> <ul style="list-style-type: none"> - Open Category - Community Category and - Youth Category <p>92 of the submissions were shown, and the Guest speaker was Ms Fitzgerald from MQU. There were three prize winners in each category.</p> <p>Mr Nanlohy further advised that Council received good feedback from the residents of Meadowbank and the show will be running for another week, until March 23.</p> <p>Ms Somerville advised that last year's suggestions were fulfilled. She was approached with a suggestion of "People's choice" award. Another suggestion was that winners be Winners should go up immediately.</p> <p>Ms Somerville further advised that a lot of people attended.</p> <p>Clr Pendleton asked Mr Nanlohy if the number of people attending is tracked.</p> <p>Mr Nanlohy confirmed that it is tracked and that he is also looking into how many were made.</p> <p>Ms Somerville advised that the artist's statements were not presented or made available and made a suggestion that it should be presented next time to better understand the artwork.</p> <p>Ms Shim added that the venue and food was very good. However she made an observation that there weren't many political representatives in attendance.</p> <p>Clr Pendleton advised that the Mayor was unwell and was unable to attend.</p> <p>Clr Pendleton suggested that we could hold a morning tea, hosting the winners in the Mayor's office.</p>	<p>Mr Nanlohy to confirm the number of attendance and sales.</p> <p>That a Mayoral morning tea be organised for the International Women's Day Art Exhibition prize winners and highly commended artists. Invitees to include Status of Women Advisory Committee members.</p>	<p>Mr Nanlohy to organise</p>

ITEM 13 (continued)

ATTACHMENT 2

MEETING RECORD

City of Ryde

Subject: Status of Women Advisory Committee – Draft Minutes of Meeting
14 March 2013 Page 5 of 5

Details	Action	Responsibility and Date
<p>5. Other Business</p> <p>Ms Alexanian requested that the committee meet at a later time.</p> <p>Cir Pendleton opened to discussion with the committee</p> <p>Committee has agreed to meet at 6.30 for future committee meetings.</p> <p>Ms Brookman suggested that a memo be prepared to go out to Council staff regarding community awareness on the law on breastfeeding in Council places.</p> <p>Ms Grunberg advised that a local representative won an award in Queensland and requested that the Committee send a letter of congratulations.</p> <p>Ms Brookman asked for a status on the Magic Yellow Bus and advised that she would like to see movement.</p> <p>Mr Nanlohy advised that he has contacted services to obtain funding and it currently out for tender.</p>	<p>Meeting will commence at 6.30 pm</p> <p>Mr Nanlohy to arrange for a letter to go out.</p>	
<p>6. Future Meetings</p> <p>Proposed schedule and discussions took place on about how we can ensure our meeting are productive and focussed.</p> <p>Future meetings will be held at the Civic Centre, Level 5 from 6.30 - 8.00pm on the following dates.</p> <ul style="list-style-type: none"> - 6 June - 5 September, - 5 December 2013 	<p>Mr Nanlohy to move the location to the Civic Centre, Level 5 , meeting room 1</p>	

14 REQUEST FOR TENDER - COR-RFT - 20/12 Security Services to the City of Ryde Council Buildings

Report prepared by: Section Manager - Buildings
File No.: GRP/09/3/10 - BP13/527

REPORT SUMMARY

Council is seeking proposals for the reliable and cost effective provision of a broad range of Security Services for its buildings, public spaces and events. The Contract will be for an initial period of three (3) years with an option to extend for a further two (2) year period, by mutual agreement and subject to satisfactory performance.

It is proposed that the new contract will commence 1 July 2013.

The Tender Evaluation Panel assessed all conforming tenders and recommended that the Council accept the tender from KSS Security. With the current scope of works with monitoring, static guards and roving patrols it is envisaged that the lump sum tender will be \$360,000 per annum.

RECOMMENDATION:

- (a) That Council accepts the tender from KSS Security for the provision of Security Services to the amount of \$360,000 per annum, for a three (3) year period with an option to extend for a further two (2) year as recommended in the Tender Evaluation Report.
- (b) That Council delegate to the General Manager the authority to enter into a contract with KSS Security on the terms contained within the tender and for minor amendments to be made to the contract documents that are not of a material nature.
- (c) That Council advise all the respondents of Council's decision.

ATTACHMENTS

- 1 Tender Evaluation Report for Provision of Security Services to the City of Ryde's Buildings - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL
- 2 Security Tender Report by Aurecon (Consultants) - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL

ITEM 14 (continued)

Report Prepared By:

Peter Handley
Section Manager - Buildings

Report Approved By:

Barry Hodge
Manager - Operations

George Dedes
Acting Group Manager - Public Works

ITEM 14 (continued)**Tender Details**

Request for Tender (COR-RFT-20/12) for the 'Security of Council Buildings; Tender submissions closed on Tuesday 25 September 2012 at 2pm. Due to the necessity to increase the level of security services and the related budgetary consequences, it was considered appropriate to defer the engagement of the new contract arrangements until the commencement of the new financial year.

The services being sought are as detailed below:

1. The remote monitoring of back to base alarms
2. Mobile patrols after hours
3. The use of Static guards
4. On-site security services
5. Servicing of the alarm equipment as and when required
6. Activation of alarms by remote setting
7. Provision of all response alarms
8. Locking access gates at nominated playing fields after normal business hours
9. Provision of specialised event Security services to Council events
10. Supply and installation of digital CCTV systems/ equipment to various locations within the City of Ryde
11. Monitoring and maintenance of CCTV and Access Control systems
12. Issue and maintenance of swipe cards for an automated entry system

The Security Services are generally required for the following locations and/or events:

- Ryde Civic Centre
- Other office buildings
- Libraries
- Historic Buildings
- Community Halls
- Councils Operational centre
- Park assets
- Other building assets
- Events
- Alarm responses
- Lock up services
- After Hours response as required

ITEM 14 (continued)

Tender submissions were received from 15 companies. After the panel had undertaken an initial evaluation of all submissions it was necessary to short list the conforming tenders and only evaluate these further. These were (in alphabetical order): -

- BSMS Security
- Citiguard Protection Services Pty Ltd
- ECS International Security and Investigations
- KSS Security

Evaluation

A tender evaluation committee comprising four Council officers assessed all tenders against the following criteria:-

- Tender Price
- Previous Experience
- Organisational Structure
- Demonstrated Understanding of Council Requirements
- Proposed Personal and sub-contractors
- Conforming to EPA requirements
- WH&S
- Conformity to Documentation
- Referees
- Insurances

The tender evaluation committee evaluated the tender submitted by KSS Security as the best value submission when compared against the evaluation criteria. Interviews and reference checks confirmed the committee's assessment.

A Tender Evaluation report has been circulated to Councillors **UNDER SEPARATE COVER as Confidential Attachment 1.**

The Security Tender Report by Aurecon (Consultants) has been circulated to Councillors **UNDER SEPARATE COVER as Confidential Attachment 2.**

Consultation

Internal Council business units consulted included:

- Corporate Services
- Community Relations and Events
- Library Services
- Public Works.

ITEM 14 (continued)**Financial Implications**

The expansion in council's facilities and security requirements over the past five years has seen the annual cost of security increase in excess of \$400,000 (2012/13 forecast is \$470,000). The annual cost of accepting this tender is \$360,000 which has been provided for in Council's Base Budget. Security tender expenditure will be reviewed on a quarterly basis by the Group Manager – Public Works to ensure compliance with tendered amount. If tracking over, service scope will be reviewed to ensure budget is met.

KSS Securities competitive rates, technical capability and flexible arrangements should provide significant savings to Council in the following service areas:-

- CCTV footage following security breaches will be at no charge (currently \$20,000 per annum)
- Reduced cost of repairs to access control and other systems
- Patrolmen and out of hours guards
- Opening and closing facilities after hours for functions and park facilities events.

The cost of security services providing after hours response has proven to be significantly cheaper than engaging Council officers to provide these services at penalty rates. Also it should be noted that the impact in any reduction to security service is considered false economy due to the increased cost of security breaches and vandalism that would be incurred.

15 REPORTS DUE TO COUNCIL

Report prepared by: Section Manager - Governance**File No.:** GRP/12/5/5/5 - BP13/554

REPORT

This Report is submitted to Council to review the status of outstanding reports and confirm the date reports are due to be provided to Council as at 16 April 2013 (listing **ATTACHED**)

There are currently 65 reports listed. Following consideration of this report there will be one overdue report due to Council.

RECOMMENDATION:

That the report on Outstanding Council Reports be endorsed.

ATTACHMENTS

1 Outstanding Council Reports - as at 16 April 2013

Report Prepared By:

Amanda Janvrin
Section Manager - Governance

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

Outstanding Reports

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	MAYORAL MINUTE 15/11 - CUDAL RESERVE PUTNEY AND SMALLS ROAD RYDE - COMPLETED	23/10/2012	<i>Consultation with Department of Planning and Infrastructure and Relevant State Ministers undertaken.</i>
Meeting Date 22/11/2011	(a) That the Mayor and General Manager pursue meetings with the relevant State Government Ministers with the purpose of:	Anticipated date 9/04/2013	<i>Still awaiting response from the relevant State Ministers.</i>
Group Community Life	(1) ensuring that both sites remain in public ownership;	Officer Simon James	<i>Followed up with correspondence sent to State Minister.</i>
	(2) ensuring that the zoning of both sites reflects public ownership;		<i>A/General Manager arranged meeting with State Minister to discuss issue. Meeting took place on 4 April 2013.</i>
	(3) obtaining the dedication of Cudal Reserve as a park under the care, control and management of the City of Ryde in perpetuity at no cost to Council;		<i>Following a meeting with the Minister and correspondence it is expected that the Departmental position is unlikely to change in the near future and it is proposed that this item be removed from the list. Any future correspondence will warrant further report to Council.</i>
	(4) obtaining the dedication of the ovals within the former school site at Smalls Road as a park under the care, control and management of the City of Ryde in perpetuity at no cost to Council.		
	(b) That this matter be reported back to Council.		

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Works and Community	BEST VALUE REVIEW - SPORTSGROUND ALLOCATION AND MANAGEMENT - COMPLETED	2/04/2013	<i>COMPLETED (To be removed following Council Meeting on 23 April 2013).</i>
Meeting Date 27/03/2012	<p>That Council fund and support the recommendations for the implementation of the Best Value Review, subject to a comprehensive review of the season charges being undertaken in consultation with the sport clubs and associations with costed options for consideration and that all results of the review be brought back to Council. The options to include:-</p> <p>(i) No increase; (ii) 7% increase for 3 years; (iii) Any other options.</p>	Anticipated date 2/04/2013	<i>To be reported on 23 October 2012 following review and consultation.</i>
Group Community Life		Officer Simon James	<i>Matter to be reported to the Works and Community Committee following consultation with the Sport and Recreation Advisory Committee (April 2013).</i>
			<i>Reported to Works and Community Committee Meeting on 2 April 2013.</i>
			<i>COMPLETED (To be removed following the Council Meeting on 23 April 2013).</i>

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	FEASIBILITY STUDY ON MULTIPURPOSE SYNTHETIC (ARTIFICIAL) FIELDS	25/06/2013	<i>The Workshop on Synthetic Fields has been scheduled for 8 August 2012.</i>
Meeting Date	1. That the General Manager prepare a feasibility study on multipurpose synthetic (artificial) fields to be installed in the City of Ryde. This study should outline a comprehensive consultation process, projected financial impacts, construction cost estimates and a funding and grants program with all sports facility users and stakeholders in the LGA.	Anticipated date	<i>To be reported to the Works and Community Committee on 20 November 2012.</i>
10/04/2012	2. A report detailing possible sports funding grants through the State and Federal Governments in the next financial year to assist in this project should also be undertaken.	25/06/2013	<i>The Workshop was attended by 50 people including the NSW State Minister for Sport and Recreation.</i>
Group	3. A feasibility study cost be funded through the 2012/13 First Quarter Budget review.	Officer	<i>Participating in the NSROC project on regional approach for provision of synthetic fields.</i>
Community Life		Simon James	<i>Project brief completed and quotes sought from consultants. Funds requested as part of Quarterly Review Process, as per Council Resolution. Once funds are allocated, the project will commence.</i>
			<i>Funds allocated on 4 December at Council meeting.</i>

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	GLADESVILLE VACATION CARE SERVICE- Transfer to Gladesville Public School P&C	19/11/2013	<i>Report to be submitted to Council meeting in June 2013.</i>
Meeting Date	(c)That Council staff review and report to Council on the above arrangements (to ensure service continues to meet the needs of families) after 12 months.	Anticipated date	<i>This report will be provided on 19 November 2013, after a duration of 12 months as per the resolution.</i>
26/06/2012		19/11/2013	
Group		Officer	
Community Life		Baharak Sahebekhtiari	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution DEFERRED REPORT: WEBCASTING OF COUNCIL MEETINGS	Due Date of Report 13/08/2013	Comments/Update <i>Software and hardware currently being sourced. There have been some technical issues which have now been addressed and testing is currently underway.</i>
Meeting Date 17/07/2012	(c)That a report be provided to Council following the conduct of the 2012 Local Government Election outlining the outcomes of the trial and recommending appropriate changes to Council's Code of Meeting Practice.	Anticipated date 22/10/2013	<i>Updates will be provided to Councillors through the Councillor Information Bulletin.</i>
Group Corporate Services		Officer Shane Sullivan	<i>It is anticipated for the system to go live in May 2013.</i>

ITEM 15 (continued)

ATTACHMENT 1

<p>Meeting Type Council</p>	<p>Resolution 958 VICTORIA ROAD, WEST RYDE. LOT 8 DP 819902. Local Development Application for alterations and additions to existing dwelling. LDA2012/0047</p>	<p>Due Date of Report 7/05/2013</p>	<p>Comments/Update <i>Mediation meeting held 14 November 2012. Amended plans to be submitted and then renotified. Not yet received.</i></p>
<p>Meeting Date 23/10/2012</p>	<p>That Local Development Application No. 2012/47 at 958 Victoria Road, West Ryde being LOT 8 DP 819902 be deferred to enable a mediation to occur between the applicant and the Group Manager – Environment and Planning with an outcome in a timeframe that does not unduly delay the development application for the applicant and that the matter be returned to the Planning and Environment Committee for further determination within three months.</p>	<p>Anticipated date 7/05/2013</p>	<p><i>Amended Plans have still not been received as at March 2013.</i></p>
<p>Group Environment and Planning</p>		<p>Officer Liz Coad</p>	<p><i>Amended Plans received on 3 April 2013. Plans forwarded to objector and assessment underway.</i></p>

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution PLANNING PROPOSAL - 108 HERRING ROAD MARSFIELD - COMPLETED	Due Date of Report 28/05/2013	Comments/Update <i>As per the Council resolution Council has sent a letter to the Department of Planning and Infrastructure requesting a gateway determination.</i>
Meeting Date 23/10/2012	(c)That in the event of a gateway determination being issued pursuant to section 56 of the Environmental Planning and Assessment Act 1979, the proposal be placed on public exhibition and a further report be presented to Council as soon as practicable after the close of the community consultation period advising of the outcomes.	Anticipated date 9/04/2013	<i>The exhibition of the proposal will be from 20 February 2013 to 8 March 2013.</i>
Group Environment and Planning		Officer Meryl Bishop	<i>Exhibition completed, matter reported to Council 9 April 2013.</i> <i>COMPLETED (To be removed following the Council Meeting on 23 April 2013).</i>

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Works and Community	UPDATE ON WOLFE ROAD RESERVE	21/05/2013	<i>Further report may need to be generated if this approach fails by May 2013.</i>
Meeting Date	(c)Should this approach fail within 6 months, that Council seek legal advice on the issue of encroachment and report the matter back to the Works and Community Committee.	Anticipated date	<ul style="list-style-type: none"> * Council staff are maintaining the upper and lower part of the reserve. * Bushland contractor engaged to undertake bush regeneration work. * RFS reviewed the fire breaks around the adjoining properties. * Personal items of encroachment to be removed by the end of April 2013.
6/11/2012		21/05/2013	
Group		Officer	
Community Life		Simon James	<p><i>Report to Council is not necessary due to current management strategy being successful. Council is to be updated on the issue through a CIB during May 2013.</i></p>

ITEM 15 (continued)

ATTACHMENT 1

<p>Meeting Type Works and Community</p>	<p>Resolution FLOODING AT FIRST AVENUE, EASTWOOD - COMPLETED</p>	<p>Due Date of Report 19/03/2013</p>	<p>Comments/Update <i>Following Council's above resolution at its meeting held on 6 November 2012, a report will be prepared for the Works & Community Committee at its meeting to be held on 19 March 2013.</i></p>
<p>Meeting Date 6/11/2012</p>	<p>(b)That a further report be brought to Council on the results of the consultation with the residents of 11 First Avenue to take into account their preferences.</p>	<p>Anticipated date 16/04/2013</p>	<p><i>Update: Report moved back to 2 April 2013. Staff need to speak with resident before putting report to Works and Community Committee. Unable to meet with resident as she is out of the country.</i></p>
<p>Group Public Works</p>		<p>Officer Anthony Ogle</p>	<p><i>Update 5 April 2013: Report moved back to 16 April 2013. Staff met with resident after the Agenda deadline for the 2 April 2013 meeting.</i></p> <p><i>Update 12 April 2013: Report to Works and Community Committee Meeting on 16 April 2013.</i></p>

ITEM 15 (continued)

ATTACHMENT 1

16-Apr-13

Page 10 of 62

COMPLETED (To be removed following Council meeting on 23 April 2013).

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	NOTICE OF MOTION - PEDESTRIAN SAFETY THROUGHOUT THE CITY OF RYDE - COMPLETED	9/04/2013	<i>Report submitted to Works and Community Committee on 16 April 2013.</i>
Meeting Date	That the General Manager conduct an audit of Pedestrian Safety throughout the City of Ryde. That the report include examination of the adequacy of existing pedestrian crossings, refuges and footpaths including the adequacy of disabled and pram access and the inclusion of 40km zones where appropriate. Specific focus should be given to areas where there are:	Anticipated date	<i>COMPLETED (To be removed following Council meeting on 23 April 2013).</i>
13/11/2012	<ol style="list-style-type: none"> 1.Schools or Early Childhood Centres 2.Community Facilities 3.Public Transport Nodes 4.Commercial Enterprise 5.High Pedestrian Flows 6.An unusual incidence of pedestrian misadventure 	16/04/2013	
Group	The report should inform Council of recent changes to traffic legislation and the obligations and responsibilities of Council to ensure it meets its obligations under the relevant Acts and should include consultation with relevant authorities, City of Ryde Advisory Committees and the Ratepayers of Ryde. The report should specifically detail the	Officer	
Public Works		Harry Muker	

ITEM 15 (continued)

ATTACHMENT 1

16-Apr-13

Page 12 of 62

estimated costs and solicit input from residents about specific concerns they have with respect to their safety as pedestrians within the City of Ryde.

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution PLANNING PROPOSAL - 461 - 495 VICTORIA ROAD, GLADESVILLE	Due Date of Report 27/08/2013	Comments/Update <i>On 13 November 2012 Council resolved to forward the planning proposal to the Minister for a Gateway Determination. This will occur by 14 December 2012.</i>
Meeting Date 13/11/2012	(c)That, in the event of a gateway determination being issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, the proposed be placed on public exhibition and a further report be presented to Council following the completion of the consultation period advising of the outcomes and next steps.	Anticipated date 27/08/2013	<i>Subject to receipt of the Gateway determination from DoPI in February 2013 community consultation will likely commence mid March 2013 and run for at least 28 days to mid April 2013. It is anticipated that a report concerning the outcomes of community consultation will be presented to Council late July / early August 2013.</i>
Group Environment and Planning		Officer Meryl Bishop	<i>Gateway determination received 1 March 2013. Report to Council on 9 April 2013 recommending commencement of community consultation.</i>

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution MATTER OF URGENCY – REFERENCE TO RYDE COUNCIL IN THE SYDNEY MORNING HERALD	Due Date of Report 25/06/2013	Comments/Update <i>This matter was reported to Council as an attachment to a Mayoral Minute at Council's Meeting on 12 February 2013. As advised in the report, Council has endorsed completing a full investigation into the two matters by an independent external party. This investigation and report back to Council is anticipated to be completed by 30 June 2013.</i>
Meeting Date 13/11/2012	That the General Manager provide a detailed report to Councillors on the allegations made in the Sydney Morning Herald in relation to Ryde Council's association with Direct Health Solutions and any other company operated by the Obeid family. This report should detail the circumstances and approval processes that operated and provide an explanation (if necessary) on why the normal tendering process allegedly did not take place.	Anticipated date 25/06/2013	<i>A firm has been appointed to conduct the investigation and report back to Council.</i>
Group Corporate Services		Officer John Schanz	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution MAYORAL MINUTE 15/12 - REVIEW OF POLICIES REGARDING VISITING OVERSEAS DELEGATIONS AND SISTER CITY RELATIONSHIPS	Due Date of Report 13/08/2013	Comments/Update <i>Council resolved that a Workshop be conducted to allow Council to reconsider its policy with regard to Visiting Overseas Delegations and all aspects of existing sister city relationships. This Workshop is currently scheduled for 16 July 2013.</i>
Meeting Date 13/11/2012	(b)That the General Manager bring back a report to Council of existing sister city relationships.	Anticipated date 13/08/2013	
Group Corporate Services		Officer Shane Sullivan	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Works and Community	PUBLIC EXHIBITION OF DRAFT PARRAMATTA RIVER ESTUARY COASTAL ZONE MANAGEMENT PLAN	28/05/2013	<i>Exhibition closed 29 March 2013. Submissions under consideration by the management committee.</i>
Meeting Date	(b)That a further report on the Parramatta River Estuary Coastal Zone Management Plan be presented for Council's consideration after the public exhibition period has finished and all submissions have been considered by the Parramatta River Estuary Management Committee.	Anticipated date	
20/11/2012		28/05/2013	
Group		Officer	
Environment and Planning		Sam Cappelli	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	3-5 TRELAWNEY STREET, EASTWOOD, LOTS A and B in DP 401296. Local Development Application for a mixed use development, containing 6 retail /commercial tenancies, 61 units & basement parking for 108 cars & strata subdivision. LDA 2011/0611.	11/06/2013	<i>Amended plans and information to be submitted and then renotified.</i>
Meeting Date	27/11/2012	Anticipated date	<i>Amended Plans have been received and public exhibition closed on 20 February 2013.</i>
Group	That Local Development Application No. 2011/0611 at 3-5 Trelawney Street, Eastwood, being LOTS A and B in DP 401296 be deferred pending receipt of the information required by the deferred commencement conditions including amended plans etc and exhibition of this information with a further report to Council for consideration in 2013.	11/06/2013	<i>Further renotification of amended plans was required and public exhibition closed on 2 April 2013.</i>
Environment and Planning		Officer	
		Liz Coad	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution NOTICE OF MOTION - EFFECTIVENESS OF THE RYDE CITY VIEW - COMPLETED	Due Date of Report 16/07/2013	Comments/Update <i>A business case has been submitted seeking funding in the 2013/2014 budget to review our existing methods of communication (including the Ryde CityView). Information derived from this review will assist the Communications and Media Unit communicate more effectively with our target audiences in the future.</i>
Meeting Date 27/11/2012	That the General Manager review the effectiveness of the Ryde City View as a means of communicating with ratepayers and presents a report to Council which examines options for wider and more effective communication with the Ryde community.	Anticipated date 16/07/2013	<i>This matter has been superceded by a Matter of Urgency from the Council Meeting on 9 April 2013.</i>
Group General Manager		Officer Angela Jones- Blayney	<i>COMPLETED (to be removed following Council Meeting on 23 April 2013).</i>

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	GENERAL MANAGER'S PERFORMANCE OBJECTIVES 2012/13 - COMPLETED	12/02/2013	<i>Performance Objectives for Acting General Manager to be reported to Council on 23 April 2013 for consideration and comment.</i>
Meeting Date	That a sub-committee comprising all Councillors work with the General Manager to prepare the performance objectives for 2012/2013 and report back to the first Council meeting in 2013.	Anticipated date	<i>COMPLETED (To be removed following the Council Meeting on 23 April 2013).</i>
27/11/2012		23/04/2013	
Group		Officer	
General Manager		Danielle Dickson	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	ADVISORY COMMITTEES - APPOINTMENT OF REPRESENTATIVES - COMPLETED	25/06/2013	<i>Advisory Committee Meetings are currently being scheduled and changes to Terms of Reference will be reported to Council as required.</i>
Meeting Date	(c)That following Council’s endorsement of the above recommendations, each Advisory Committee be requested to review their Terms of Reference at their first meeting and report back to Council for confirmation on this matter.	Anticipated date	<i>To date the Heritage Advisory Committee, Macquarie Park Forum and Audit and Risk Committee have completed a review of their Terms of Reference.</i>
27/11/2012		25/06/2013	
Group		Officer	
Corporate Services		Shane Sullivan	<i>COMPLETED (To be removed following the Council Meeting on 23 April 2013).</i>

ITEM 15 (continued)

ATTACHMENT 1

<p>Meeting Type Council</p>	<p>Resolution 66A PELLISIER ROAD, PUTNEY. LOT B DP 419543. Local Development Application for new dual occupancy. LDA2012/0106. - COMPLETED</p>	<p>Due Date of Report 16/04/2013</p>	<p>Comments/Update <i>Mediation meeting being arranged. Attempting to arrange a date prior to Christmas 2012 but this may not be able to be achieved until after the Christmas and school holiday period due to the availability of various parties.</i></p>
<p>Meeting Date 27/11/2012</p>	<p>That Local Development Application No. 2012/106 at No. 66A Pellisier Road, Putney, being LOT B DP 419543, be deferred for the Group Manager Environment and Planning to undertake a mediation with the applicant and objectors to bring the dual occupancy into closer compliance with DCP 2010 and a further report be presented to the Planning and Environment Committee within three (3) months.</p>	<p>Anticipated date 16/04/2013</p>	<p><i>Mediation meeting held on 30 January 2013. A report will be forwarded to the Planning and Environment Committee following the receipt, renotification and assessment of amended plans addressing the outcomes of the mediation meeting. Amended plans have not yet been received.</i></p>
<p>Group Environment and Planning</p>		<p>Officer Liz Coad</p>	<p><i>Amended Plans received 20 February 2012. Re-notification commenced - notification period closed 5 March 2013.</i></p> <p><i>Report to Planning and Environment Committee Meeting on 16 April 2013.</i></p>

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	7-9 RUTLEDGE STREET, EASTWOOD, LOT 23 DP 4231 and LOT 24 DP 653568. Local Development Application for a mixed use development, containing 6 retail/commercial tenancies, 79 units & basement parking for 155 cars & strata subdivision. LDA 2011/0612.	11/06/2013	<i>Amended plans and information to be submitted and then renotified. Not yet received.</i>
Meeting Date	That Local Development Application No. 2011/0612 at 7-9 Rutledge Street, Eastwood, being LOT 23 DP 4231 and LOT 24 DP 653568 be deferred pending receipt of the information required by the deferred commencement conditions including amended plans etc and exhibition of this information with a further report to Council for consideration in 2013.	Anticipated date	<i>Amended plans not yet received as at March 2013.</i>
27/11/2012		11/06/2013	<i>Follow-up letter to applicant sent seeking amended plans 3 April 2013.</i>
Group		Officer	
Environment and Planning		Liz Coad	

COMPLETED (To be removed following the Council Meeting on 23 April 2013).

ITEM 15 (continued)

ATTACHMENT 1

<p>Meeting Type Works and Community</p>	<p>Resolution DRAFT URBAN FOREST AND STREET TREE MASTERPLAN - COMPLETED</p>	<p>Due Date of Report 16/04/2013</p>	<p>Comments/Update <i>Exhibition period closes on 1st March 2013. Report to be submitted to Works & Community Committee in April 2013.</i></p>
<p>Meeting Date 4/12/2012</p>	<p>(b)That a report be submitted to Council on the results of the exhibition period.</p>	<p>Anticipated date 16/04/2013</p>	<p><i>Report to Works and Community Committee on 16 April 2013.</i></p>
<p>Group Community Life</p>		<p>Officer Simon James</p>	<p><i>COMPLETED (To be removed following Council Meeting on 23 April 2013).</i></p>

<p>Meeting Type Works and Community</p>	<p>Resolution WATER BOTTLE REFILL STATIONS - UPDATE</p>	<p>Due Date of Report 18/06/2013</p>	<p>Comments/Update <i>Refill station to be installed during February 2013 for a three month trial. Matter to be reported to the Works and Community Committee in June 2013.</i></p>
<p>Meeting Date 4/12/2012</p>	<p>(b)That a report be submitted to Council on the outcomes of the trial with consideration of wider installation of water refill station across the City's open spaces.</p>	<p>Anticipated date 18/06/2013</p>	
<p>Group Community Life</p>		<p>Officer Simon James</p>	

ITEM 15 (continued)

ATTACHMENT 1

<p>Meeting Type Council</p>	<p>Resolution GLADESVILLE RSL DEVELOPMENT PROPOSAL</p>	<p>Due Date of Report</p>	<p>Comments/Update <i>Council has met with proponents to view draft community consultation plan. Date for report to be determined as a result of outcomes.</i></p>
<p>Meeting Date 11/12/2012</p>	<p>(b) Following the community consultation, including key stakeholders, that a further report be provided to Council by the Gladesville RSL Club including details of the following:</p>	<p>Anticipated date</p>	<p><i>The RSL Club has scheduled consultation events throughout March 2013 - the date of the report is to be confirmed pending the results of the consultation.</i></p>
<p>Group Environment and Planning</p>	<p>(i) Indicative built form and uses; (ii) Parking management (particularly during the construction phase); and (iii) Results of the community consultation process.</p>	<p>Officer Dominic Johnson</p>	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution RYDE RIVER WALK - PUBLIC EXHIBITION OF DESIGN AND STATEMENT OF ENVIRONMENTAL EFFECTS	Due Date of Report 21/05/2013	Comments/Update <i>Update 14 February 2013: Public Exhibition period commenced Friday 18 January 2013 and closes on Friday 19 April 2013.</i>
Meeting Date 11/12/2012	(b) That a further report be submitted to Council following the Public Exhibition period.	Anticipated date 21/05/2013	
Group Public Works		Officer Sean Brasier/Simon James	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution BOARDING HOUSES POLICY - Draft Enforcement Policy and Draft Development Control Plan	Due Date of Report 13/08/2013	Comments/Update <i>Draft policy to be exhibited in April 2013.</i>
Meeting Date 11/12/2012	(c)That Council receive a further report on the outcomes of the exhibition of draft Boarding Houses Policy comprising:	Anticipated date 13/08/2013	
Group Environment and Planning	1. Draft Enforcement Policy: Boarding Houses 2. City of Ryde Draft Amending Development Control Plan - Boarding Houses.	Officer Scott Cox	
Meeting Type Council	Resolution CHANGES TO FEES & CHARGES - TREES AND PLAQUES - COMPLETED	Due Date of Report 9/04/2013	Comments/Update <i>Public exhibition process closes on the 8th of March 2013. Report to be submitted to Council late March - early April 2013.</i>
Meeting Date 11/12/2012	(b) That a further report be presented to Council for consideration after the public exhibition period addressing any submissions made.	Anticipated date 9/04/2013	<i>Reported to Council on 9 April 2013.</i>
Group Community Life		Officer Simon James	<i>COMPLETED (To be removed following Council Meeting on 23 April 2013).</i>
16-Apr-13		Page 26 of 62	

ITEM 15 (continued)

ATTACHMENT 1

<p>Meeting Type Council</p>	<p>Resolution CITY OF RYDE TENNIS COURTS</p>	<p>Due Date of Report 11/06/2013</p>	<p>Comments/Update <i>Expression of Interest/Requests for proposal to be advertised in early February 2013. Anticipated closing date April 2013. To be reported to Council early May 2013.</i></p>
<p>Meeting Date 11/12/2012</p>	<p>(f) That a further report be submitted to Council following an Expression of Interest/Requests for Proposals process.</p>	<p>Anticipated date 11/06/2013</p>	
<p>Group Community Life</p>		<p>Officer Simon James</p>	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Works and Community	RIGHT OF CARRIAGEWAY OVER 36A STATION STREET WEST RYDE- NEWQUEST PROJECTS PTY LTD ON BEHALF OWNERS OF 29-31 GAZA ROAD WEST RYDE	18/06/2013	
Meeting Date	(c) That a further report be provided following the finalisation of negotiations in respect of the level of compensation payable to Council in granting the right of carriageway over 36A Station Street West Ryde to the owners of 29-31 Gaza Road West Ryde.	Anticipated date	
5/02/2013		18/06/2013	
Group		Officer	
Public Works		Rod Drummond	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Works and Community	TRAFFIC AND PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE MEETING held on 22 November 2012 - MIRIAM ROAD, WEST RYDE - No Parking (Kiss and Ride) That Council undertake a six (6) month trial in relation to the provision of a single 'No Parking' space along the side frontage (Miriam Road) of No.52 West Parade and that a follow up report be submitted to the Committee following the completion of the trial period confirming its use and whether the installation should be supported permanently.	16/07/2013	<i>Updated: 14 February 2013 Report will be tabled at Traffic Committee meeting to be held on 23 May 2013. The Traffic Committee's recommendations will be put to the Works and Community Committee on 2 July 2013.</i>
Meeting Date		5/02/2013	Anticipated date 16/07/2013
Group		Public Works	Officer Harry Muker

ITEM 15 (continued)

ATTACHMENT 1

<p>Meeting Type Council</p>	<p>Resolution NOTICE OF MOTION - GRAFFITI VANDALISM AND THE CITY OF RYDE</p>	<p>Due Date of Report 21/05/2013</p>	<p>Comments/Update <i>5 March 2013 NOM directed to Derek McCarthy – Service Unit Manager for Community & Events in Community Life</i></p>
<p>Meeting Date 12/02/2013</p>	<p>(b) That a report on this matter, include, but not be limited to: 1. The establishment of key area ‘watch’ programs involving local residents, community groups, police and staff to identify at-risk locations and perpetrators. 2. Methods of communication to assist awareness of measures to reduce graffiti vandalism in key areas. 3. Promotion of anti-graffiti messages and penalties against culprits. 4. Detailing the rising cost of graffiti removal in the City of Ryde. 5. That Council look at further initiatives to engage with the youth including the Ryde Youth Council in order to address this issue.</p>	<p>Anticipated date 21/05/2013</p>	<p><i>Gathering information and responsibilities for the report to Council on 21 May 2013.</i></p>
<p>Group Community Life</p>	<p>(c) That the report indicate the process and the timeframe to develop the above into a Graffiti Action Plan.</p>	<p>Officer Derek McCarthy</p>	<p><i>Working on information required and responsibilities.</i></p>

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	RYDE CITY BOWLING CLUB UPDATE	26/11/2013	<i>(c) Subject to arbitration regarding fixtures, due improvements to commence shortly. Anticipated completion date late March - early April.</i>
Meeting Date 12/02/2013	(c) That Council proceed with an EOI/Tender process for the site, once the issues outlined in the body of this report are resolved.	Anticipated date 26/11/2013	<i>(d) Later in the year - report to Council October/November.</i>
Group Community Life	(d) That Council note that the further report considering the future of the Ryde Park including the Ryde City Bowling Club and Argyle Centre sites as to the future development, use and management will proceed following progress of Part (c) above.	Officer Tatjana Domazet	<i>Awaiting the outcome of the arbitration before proceeding to the EOI/Tender process. Matter is with the Golden Goal solicitors.</i>

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution NOTICE OF MOTION - SUPPLY AND DEMAND OF CRICKET PRACTICE FACILITIES ACROSS THE LGA	Due Date of Report 28/05/2013	Comments/Update <i>Report to be prepared for Council meeting in May 2013.</i>
Meeting Date 12/02/2013	That Council prepares a report regarding the supply and demand of cricket practice facilities across the LGA. As part of preparing this report discussions should be facilitated by Council with the governing Cricket Associations, Local Cricket Clubs and Cricket NSW regarding contribution towards the program (60/40) and the cost/access sharing arrangements for the future management and maintenance options for these facilities.	Anticipated date 28/05/2013	
Group Community Life	Implementation of this proposal will ensure that the management of teams and their training requirements can be met in a more suitable manner. The report is to be tabled with Council prior to the adoption of the 13/14 Delivery Plan.	Officer Simon James	

ITEM 15 (continued)

ATTACHMENT 1

<p>Meeting Type Council</p>	<p>Resolution COMMERCIAL RECREATIONAL VENTURES WITHIN THE PORTERS CREEK SITE</p>	<p>Due Date of Report 21/05/2013</p>	<p>Comments/Update <i>Resolution referred to Public Works.</i></p>
<p>Meeting Date 26/02/2013</p>	<p>That the Acting General Manager conducts a feasibility study on any future opportunities for commercial recreational ventures within the Porters Creek site. Should these opportunities exist, Council to proceed to an EOI process for this part of the site and the future of this EOI process is reported back to Council for consideration.</p>	<p>Anticipated date 21/05/2013</p>	<p><i>Update: 9 April 2013 To be reported to Works and Community Committee on 21 May 2013.</i></p>
<p>Group Public Works</p>		<p>Officer Julius Pucci</p>	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution SPORTING FACILITIES	Due Date of Report 27/08/2013	Comments/Update <i>Due to the current workload the matter will be reported to Council by the end of August 2013.</i>
Meeting Date 26/02/2013	That Council receive a report that lists all works Council officers have planned or are proposed for future works within the City on sporting facilities and related amenities blocks.	Anticipated date 27/08/2013	
Group Community Life	The report also to outline ways the officers seem to prioritise works to be done on these planned works and/or proposed works including if known the funding or proposed funding for such works. The report to be returned before the end of the calendar year, and if this cannot be achieved, Councillors to be advised in the CIB of a future reporting date	Officer Simon James	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	ILLEGAL DUMPING	21/05/2013	
Meeting Date	That the Acting General Manager prepare a report outlining:	Anticipated date	
26/02/2013		21/05/2013	
Group	<ul style="list-style-type: none"> • the extent of illegally dumped rubbish in the City of Ryde; • the current approach to managing and responding to the issue; • strategies for better managing and responding to illegally dumped rubbish in the City of Ryde. 	Officer	
Public Works	The report be presented to the Works Community Committee – May meeting if possible.	Jude Colechin	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution FITNESS EQUIPMENT WITHIN THE CITY OF RYDE	Due Date of Report 23/07/2013	Comments/Update <i>Due to current workload the matter will be reported to Council by late July 2013.</i>
Meeting Date 26/02/2013	That the Acting General Manager reviews the provision of fitness equipment within the City of Ryde and in particular at Kissing Point Foreshore Park Putney and report back to Council on the community needs for this type of equipment in our parks. The review to include any partnerships with private sector organisations or sponsorship opportunities.	Anticipated date 23/07/2013	
Group Community Life		Officer Simon James	

ITEM 15 (continued)

ATTACHMENT 1

<p>Meeting Type Council</p>	<p>Resolution RYDE CIVIC CENTRE - PRIORITY MAINTENANCE - COMPLETED</p>	<p>Due Date of Report 9/04/2013</p>	<p>Comments/Update <i>The report for a Ryde Civic 5 year costed maintenance plan was submitted to the Council Meeting on 9 April.</i></p>
<p>Meeting Date 26/02/2013</p>	<p>That the Acting General Manager report back to Council providing a costed maintenance schedule for the building for the upcoming five years.</p>	<p>Anticipated date 9/04/2013</p>	<p><i>COMPLETED (To be removed following the Council Meeting on 23 April 2013).</i></p>
<p>Group General Manager</p>		<p>Officer Danielle Dickson</p>	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	NOTICE OF MOTION - OPTION TO RECEIVE RATES NOTICES ELECTRONICALLY (E-NOTICE)	11/06/2013	
Meeting Date	That the Acting General Manager investigate and provide a report back to Council in providing City of Ryde ratepayers with the option to receive their rate notices electronically (e-notice) and to encourage the ratepayers to receive their notices electronically in lieu of paper-based rates notices., therefore further enhancing City of Ryde’s sustainability credentials.	Anticipated date	
12/03/2013		11/06/2013	
Group	This report should include :	Officer	
Corporate Services	<ul style="list-style-type: none"> • Financial impact of this proposal including initial set up costs as well as cost savings with providing paperless rates notices • Environmental benefits of such a proposal • The benefits to ratepayers and the City of Ryde in rates notices being delivered electronically • A communication plan to inform and encourage ratepayers to receive rate notices electronically 	John Todd	
16-Apr-13			Page 38 of 62

ITEM 15 (continued)

ATTACHMENT 1

- Any other matters which may inform the Council better about the provision of e-notices being utilized throughout the organisation

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	NOTICE OF MOTION - BOOM GATES AT COUNCIL CAR PARKS	28/05/2013	
Meeting Date	To incentivise self-regulated turnover of parking spots, Council investigates and consults with the local community and businesses on the merits and feasibility of installing boom gates at major/busy Council car parking lots which will preserve all existing free parking hours but will collect a fee for parking additional hours. The report is to consider the benefits of alleviating the need for Rangers to enforce parking time limits if such boom gates are installed, and redeploy those resources to other areas (eg illegal dumping).	Anticipated date	
12/03/2013		28/05/2013	
Group		Officer	
Environment and Planning		Leon Marskell	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	NOTICE OF MOTION - CUSTOMER SERVICE CENTRES	25/06/2013	
Meeting Date	That the Acting General Manager prepare a report identifying:	Anticipated date	
12/03/2013		25/06/2013	
Group	<ol style="list-style-type: none"> 1. Existing public interface locations that can be utilised as Customer Service Centres 2. Costs associated with converting existing locations to Customer Service Centres 3. Organisational impediments to such changes 4. Community benefits of such changes 5. Any other relevant information associated with such a change 	Officer	
Corporate Services		Roy Newsome	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	NOTICE OF MOTION - LOGISTICAL AND ORGANISATIONAL CAPACITY FOR COUNCIL CUSTOMER SERVICE CENTRE AT TOP RYDE CITY	25/06/2013	
Meeting Date	That the Acting General Manager prepare a report detailing the logistical and organisational capacity to convert the existing Planning Service Centre at Top Ryde City to a Council Customer Service Centre including:	Anticipated date	
12/03/2013		25/06/2013	
Group	<ol style="list-style-type: none"> 1. Costs associated with such a change with no additional staff employment 2. Workspace capacity to move some planning staff back to the Civic Centre 3. IT capacity to offer the full range of services offered at the Civic Centre 4. The community benefits to such a change 5. Any other relevant matter associated with such a change 	Officer	
Corporate Services		Roy Newsome	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution NOTICE OF MOTION - REVIEW OF COUNCIL'S EXISTING PREFERRED SUPPLIER LIST	Due Date of Report 14/05/2013	Comments/Update <i>To be reported to the Council Meeting on 14 May 2013.</i>
Meeting Date 12/03/2013	That the Acting General Manager prepare a report that informs Council of the existing Preferred Supplier Lists used by Council staff including those auspiced by the State Government and Preferred Supplier Tenders.	Anticipated date 14/05/2013	
Group General Manager		Officer John Schanz	
Meeting Type Council	Resolution APPOINTMENT OF DELEGATES TO THE RYDE YOUTH COUNCIL ADVISORY COMMITTEE	Due Date of Report 22/10/2013	Comments/Update <i>Report back to Council in October 2013.</i>
Meeting Date 12/03/2013	(b) That the Ryde Youth Council Advisory Committee be requested to review their Terms of Reference at their first meeting and report back to Council for confirmation on this matter.	Anticipated date 22/10/2013	
Group Community Life		Officer Baharak Sahebekhtiari	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	77 WHARF ROAD, GLADESVILLE – LOT 2 DP 536882. Development Application for alterations to the existing dwelling, including a new front fence and gates. LDA2012/0272	4/06/2013	
Meeting Date			
12/03/2013	(a) That LDA2012/272 at 77 Wharf Road, Gladesville being LOT 2 DP 536882 be deferred for a mediation meeting to be undertaken by the Group Manager Environment and Planning with the applicant and the objectors to address issues relating to bulk, scale, habitable areas and streetscape presentation. That a further report be referred to Planning and Environment Committee within three months.	Anticipated date	
Group		4/06/2013	
Environment and Planning		Officer	
		Liz Coad	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution UNAUTHORISED DEVELOPMENT 29 VIMIERA ROAD EASTWOOD	Due Date of Report 11/06/2013	Comments/Update <i>Report to Council following the proceedings currently underway.</i>
Meeting Date 12/03/2013	(c) That a further report be forwarded to Council for consideration on the merits of the building certificate application for the unauthorised work.	Anticipated date 11/06/2013	
Group Environment and Planning		Officer Scott Cox	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	NOTICE OF MOTION - OMBUDSMAN SYSTEM	25/06/2013	
Meeting Date	That a report for Council be prepared with options for an Ombudsman system that ensures citizens' complaints are dealt with fairly and impartially, that assists staff to focus on policies, guidelines and controls and which addresses systemic issues relating to poor administration, weak internal controls or unethical conduct within the Council.	Anticipated date	
Group		Officer	
Corporate Services	<p>The report should include consideration of the effective management of complaints and in particular how an Ombudsman system might be implemented by Ryde Council to:</p> <ul style="list-style-type: none"> impartially investigate complaints by citizens about poor administration, maladministration or misconduct by council staff or councillors (in an administrative capacity). reach resolutions that are fair and reasonable. if a resolution can't be reached, the Ombudsman provides advice to Council to facilitate a final decision. to provide guidance and education for staff and councillors about ethical decision-making, proper conduct, council policies. 	25/06/2013	Roy Newsome
16-Apr-13		Page 45 of 62	

ITEM 15 (continued)

ATTACHMENT 1

	<ul style="list-style-type: none"> ensure learnings from complaints and feedback are utilised for continuous improvement in Council systems and processes. 		
Meeting Type Council	Resolution DRAFT RYDE LEP 2011- AMENDING PLANNING PROPOSAL	Due Date of Report 27/08/2013	Comments/Update
Meeting Date 12/03/2013	(c) That a Planning Proposal be prepared to amend Draft LEP 2011 in accordance with Table 2 Planning Proposal Amendments to DLEP 2011 attached to this report and be supported by a consultation programme prepared by Council's Media and Communications Group and reported back to Council for further discussion and endorsement.	Anticipated date 27/08/2013	
Group Environment and Planning		Officer Meryl Bishop	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	MATTER OF URGENCY - PLANNING ASSESSMENT COMMISSION (PAC) DETERMINATION OF MEADOWBANK SHEPHERDS BAY	Anticipated date	<i>Awaiting advice from Council's legal consultant.</i>
Meeting Date	(a) That the Acting General Manager prepare a report on Council's options to challenge the Planning Assessment Commission (PAC) determination including a legal opinion of Meadowbank Shepherds Bay.	Officer	<i>Report to Council pending provision of the above advise.</i>
12/03/2013	(b) That the report be provided to Council within seven (7) days for further consideration.	Dominic Johnson	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	SOCIAL MEDIA PRESENCE - COMPLETED	25/06/2013	<i>This report has been extended until December 2013 and has been superceded as a result of a Matter of Urgency from the Council Meeting on 9 April 2013.</i>
Meeting Date	(d) That the Acting General Manager separately report back to Council prior to 30 June 2013 on Council's Draft Communication and Media Strategy and progress of our social media presence.	Anticipated date	<i>COMPLETED (to be removed following Council Meeting of 23 April 2013).</i>
12/03/2013		25/06/2013	
Group		Officer	
General Manager		Angela Jones-Blayney	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution PUBLIC EXHIBITION OF MACQUARIE PARK PEDESTRIAN ACCESSIBILITY AND MOBILITY PLAN	Due Date of Report 25/06/2013	Comments/Update <i>Exhibition closes on 23 April 2013.</i>
Meeting Date 12/03/2013	(b) That a further report on the Macquarie Park Pedestrian Accessibility and Mobility Plan be presented for Council's consideration and determination after the public exhibition period has finished and all submissions have been considered.	Anticipated date 25/06/2013	
Group Environment and Planning		Officer Sam Cappelli	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	NOTICE OF MOTION - SUPPORTING LOCAL BUSINESS LEASING COUNCIL PROPERTIES	21/05/2013	
Meeting Date	(a) That the Acting General Manager provide a report including recommendations on improving relations and feedback from small business operators who are leasing properties from the City of Ryde.	Anticipated date	
26/03/2013		21/05/2013	
Group	(b) That this report include matters pertaining (but not limited) to: - Possible consultation frameworks; - Improving commercial leasing terms including 'options' to extend a lease after expiry; and - Feedback channels for suggestions that include improvements or enhancements to council properties.	Officer	
Public Works		Gerald Lore	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution MATTER OF URGENCY - BUDGET FOR 2013/14	Due Date of Report 10/12/2013	Comments/Update <i>Scoping of strategy development commenced. Budget changes as requested by Council will be incorporated in draft Delivery Plan for 2013/14.</i>
Meeting Date 26/03/2013	2. Council note the above in relation to the development of a Communications Strategy resolved by Council on 12 March 2013 and to provide an extension for the report back of the draft strategy to Council no later than December 2013.	Anticipated date 10/12/2013	
Group General Manager		Officer Angela Jones-Blayney	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	DEFERRED REPORT: POLICY ON THE PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE MAYOR AND OTHER COUNCILLORS	11/06/2013	
Meeting Date	(d) That after the exhibition period of the draft policy, a further report be provided to Council seeking the adoption of the draft Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy and detailing any submissions received.	Anticipated date	
26/03/2013		11/06/2013	
Group		Officer	
Corporate Services		Shane Sullivan	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	TRAFFIC ISSUES RELATED TO ELTHAM STREET, GLADESVILLE	7/05/2013	
Meeting Date	The Acting General Manager prepare a report detailing appropriate traffic solutions to reduce the flow of vehicular traffic and speeds of vehicles along Eltham Street, Gladesville between Monash Road and Westminster Road and to further improve the flow of traffic at the intersection of Eltham Street, College Street and Monash Road and that this report be brought back to Council by 7 May 2013.	Anticipated date	
26/03/2013		7/05/2013	
Group		Officer	
Public Works		Austin Morris	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution NOTICE OF MOTION - NATIONAL DISABILITY STRATEGY: NSW IMPLEMENTATION PLAN 2012-2014	Due Date of Report 23/07/2013	Comments/Update <i>Report back to Council by late July 2013.</i>
Meeting Date 26/03/2013	That Council receive a report that: - provides an initial assessment of the areas of action required by Councils, as identified in the plan.	Anticipated date 23/07/2013	
Group Community Life	- identifies the anticipated resourcing issues, - outlines the proposed management mechanism/s to plan and coordinate the implementation of the required actions.	Officer Baharak Sahebekhtiari	

ITEM 15 (continued)

ATTACHMENT 1

<p>Meeting Type Council</p>	<p>Resolution INVESTMENT REPORT - February 2013 - COMPLETED</p>	<p>Due Date of Report 23/04/2013</p>	<p>Comments/Update <i>Report to Council Meeting on 23 April 2013.</i></p>
<p>Meeting Date 26/03/2013</p>	<p>(a) That Council note the report and a further report to be brought back to Council in April that details a proposal to optimise the number of investments, at the highest rated investment covered by the Federal Government Guarantee, whilst maximising returns.</p>	<p>Anticipated date 23/04/2013</p>	<p><i>COMPLETE (To be removed following Council Meeting on 23 April 2013).</i></p>
<p>Group Corporate Services</p>	<p>(b) The report should also consider any advantage in consolidating investments in the most highly rated and appropriate financial products and seek reconfirmation of Council's Investment Strategy.</p>	<p>Officer John Todd</p>	

ITEM 15 (continued)

ATTACHMENT 1

<p>Meeting Type Council</p>	<p>Resolution COXS ROAD MASTER PLAN STUDY - OUTCOMES OF COMMUNITY CONSULTATION</p>	<p>Due Date of Report 28/05/2013</p>	<p>Comments/Update <i>Workshop scheduled for 23 April 2013.</i></p>
<p>Meeting Date 26/03/2013</p>	<p>(b) That a Councillor Workshop be scheduled as soon as possible to discuss this matter prior to it being reported back to Council.</p>	<p>Anticipated date 28/05/2013</p>	
<p>Group Environment and Planning</p>		<p>Officer Mery Bishop</p>	

<p>Meeting Type Council</p>	<p>Resolution DEVLIN STREET PEDESTRIAN BRIDGES</p>	<p>Due Date of Report 25/06/2013</p>	<p>Comments/Update</p>
<p>Meeting Date 26/03/2013</p>	<p>(e) That Council receive a full report on the lift's performance including instance duration when they are out of action and a report that also includes passengers trapped, number and duration.</p>	<p>Anticipated date 25/06/2013</p>	
<p>Group Public Works</p>		<p>Officer Austin Morris</p>	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution MONTHLY REPORTING TO COUNCIL	Due Date of Report 13/08/2013	Comments/Update
Meeting Date 26/03/2013	That a highlights monthly report be developed in conjunction with the Councillors covering key management items including: human resources (sick leave, recreation leave in excess of 20 and 30 days); OH&S; complaints; organisational risk issues; legal actions.	Anticipated date 13/08/2013	
Group Corporate Services		Officer Roy Newsome	
Meeting Type Council	Resolution BEST VALUE REVIEW - SPORTSGROUND ALLOCATION AND MANAGEMENT	Due Date of Report 25/06/2013	Comments/Update <i>Report to Council on the adoption of sportsground allocation, and sportsground pricing and contribution policy by late June 2013.</i>
Meeting Date 2/04/2013	(b) Following the public exhibition process, a further report be submitted to Council on the feedback received during the process and any proposed changes to the draft policies.	Anticipated date 25/06/2013	
Group Community Life		Officer Simon James	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution MACQUARIE PARK REVIEW OF PLANNING CONTROLS (RYDE LEP AMENDMENT 1)	Due Date of Report	Comments/Update <i>Council changes are being incorporated into exhibition materials. Public exhibition to follow - date of report to be advised.</i>
Meeting Date 9/04/2013	(b) That the outcomes of community consultation are reported to Council as soon as practicable after the exhibition period.	Anticipated date	
Group Environment and Planning		Officer Meryl Bishop	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	COMMUNITY GRANTS PROGRAM- Allocation of Funds 2012-13	27/08/2013	
Meeting Date	(e) That a Councillors working party of all interested Councillors be established to provide input into the proposed review the Community Grants Policy including providing key parameters for the draft and the matter be reported back with recommendations by August 2013 to allow the new policy to be in place prior to the commencement of the advertising for the 2013 Grants Program.	Anticipated date	
9/04/2013		27/08/2013	
Group		Officer	
Community Life		Baharak Sahebekhtiari	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution REQUEST FOR TENDER - COR-RFT-25/12 - Courier Service Tender	Due Date of Report 28/05/2013	Comments/Update <i>Report to Council by May 2013.</i>
Meeting Date 9/04/2013	That Council defer the consideration of this matter and report back to Council on the cost benefit of moving this service in house to be undertaken by Council staff.	Anticipated date 28/05/2013	
Group Community Life		Officer Jill Webb	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type Council	Resolution NOTICE OF MOTION: REHABILITATION/RESURFACING PROGRAM IN THE CAPITAL WORKS PROGRAM	Due Date of Report 22/10/2013	Comments/Update <i>Due to current workload this matter will be reported to Council by October 2013.</i>
Meeting Date 9/04/2013	That the Acting General Manager and Senior Council Officers provide Council a report to a future Council Meeting, on the current actions of the Council towards a Rehabilitation/Resurfacing Program in the Capital Works Program next financial year to formalise and resurface all unformed car park areas in Ryde including any pedestrian links to the sports fields.	Anticipated date 22/10/2013	
Group Community Life		Officer Simon James	

ITEM 15 (continued)

ATTACHMENT 1

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	NOTICE OF MOTION: CENTENARY OF ANZAC AND COMMEMORATION OF WORLD WAR 1 COMMITTEE	25/06/2013	
Meeting Date	4. That Ryde Council prepare a report which explores ways of commemorating the Centenary of Anzac and World War 1 by:	Anticipated date	
9/04/2013		25/06/2013	
Group	(a) the possible erection of memorial site and/or upgrades of existing memorial sites	Officer	
Community Life	(b) holding other activities such as ceremonial celebrations and educational events that the City may wish to develop to mark the commemoration	Derek McCarthy	

PRECIS OF CORRESPONDENCE

- 1 RESPONSE LETTER FROM STATE MINISTER FOR EDUCATION REGARDING THE USE OF FORMER RYDE HIGH SCHOOL - Smalls Road, Ryde**

Report prepared by: Administration Officer
File No.: GRP/09/4/1/7 - BP13/499

CORRESPONDENCE

Submitting correspondence from the State Minister for Education, The Hon. Adrian Picolli MP, dated 8 February 2013, regarding the Minister's response to the use of the former Ryde High School site in Smalls Road, Ryde.

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

- 1 Response to the letter regarding the use of the former Ryde High School – The Hon, Adrian Piccoli MP**

Report Prepared By:

Linda A Smith
Administration Officer

Report Approved By:

Tatjana Domazet
Acting Group Manager - Community Life

Precis of Correspondence 1 (continued)

ATTACHMENT 1



The Hon. Adrian Piccoli MP
Minister for Education

Mr John Neish
General Manager
City of Ryde
Locked Bag 2069
NORTH RYDE NSW 1670

RML13/187

Dear Mr Neish

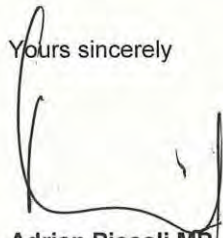
I write in response to your letter dated 11 January 2013 regarding the use of the former Ryde High School.

The NSW Department of Education and Communities fully utilises the former Ryde High School site for administrative purposes and will be doing so into the foreseeable future.

For your information and future reference, whilst the Department occupies the site it no longer owns it. Further correspondence regarding the use of the site should be directed to Government Property NSW (GPO Box 5341 Sydney NSW 2001).

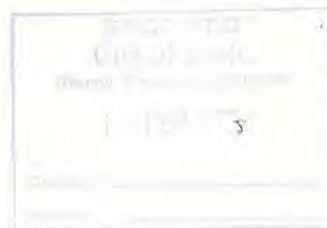
Thank you for your letter and I trust that the above information clarifies the situation.

Yours sincerely



Adrian Piccoli MP
Minister for Education

- 8 FEB 2013



2 RYDE COMMUNITY GARDENS

Report prepared by: Executive Assistant to the Mayor
File No.: MYR/07/10/7 - BP13/581

CORRESPONDENCE

Submitting correspondence from John Alexander MP, dated 16 April 2013, regarding the establishment of community gardens in Ryde.

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

- 1 Ryde Community Gardens

Precis of Correspondence 2 (continued)

ATTACHMENT 1

Dear Ivan,

Thank you very much for meeting on Friday with Martin Wren of Nova Employment of Sunita Menezes of Achieve Australia in regard to the development of Community Gardens in Ryde and other areas within Bennelong.

The concept is to provide opportunities for recreational gardening as a active pastime with the potential of commercial return for people with disabilities and other members of the community.

Sunita and Martin expressed strongly the view that people with disabilities benefit greatly from the activity of gardening and this is further enhanced through social interaction with others.

We agreed that there are many opportunities to establish such gardens on land owned and maintained by council adjoining sports fields.

By bringing together sporting recreational and fitness activities so as to create a meeting place where stronger bonds and a sense of community unite.

The opportunity for those with disabilities to participate under the guidance of club captains and reap the rewards of their produce would add further to their sense of achievement acceptance and value to the community.

This program also gives Ryde the opportunity of recognising a significant part of our history as a market garden and the home of the granny smith apple.

I look forward to working with you to commence a pilot program.

Yours faithfully,

John Alexander MP
Member for Bennelong

3 NATIONAL SKILLS SHORTAGE IN LOCAL GOVERNMENT

Report prepared by: Executive Assistant to the Mayor
File No.: MYR/07/10/7 - BP13/588

CORRESPONDENCE

Submitting correspondence from the United Services Union, dated 9 April 2013, regarding the national skills shortage in local government.

RECOMMENDATION:

- (a) That the correspondence be received and noted.
- (b) That the attached letter is submitted for Council's determination.

ATTACHMENTS

- 1 National skills shortage in local government

Report Prepared By:

Linda A Smith
Administration Officer

Report Approved By:

Tatjana Domazet
Acting Group Manager - Community Life

Precis of Correspondence 3 (continued)

ATTACHMENT 1



New South Wales Local Government, Clerical,
Administrative, Energy, Airlines & Utilities Union

Our Ref: 090413.Skills.RP.jd

09 April 2013

Clr Ivan Petch
Mayor
Ryde City Council
Locked Bag 2069
North Ryde NSW 2112

cc: USU Delegate

Dear Sir/Madam

RE: ADDRESSING THE NATIONAL SKILLS SHORTAGE IN LOCAL GOVERNMENT

Canterbury City Council has recently identified the issue of an ageing workforce and youth unemployment in their community. Attached are the minutes of their recent Council meeting 13th December 2012. The motion that was unanimously carried has paved the way for a state wide approach to sustaining a productive workforce in Local Government.

The United Services Union (USU) has launched a report (NSW Local Government Next Generation of Employees Report 2012) which can be found on-line at <http://www.usu.org.au/news/local-government/382-usu-nsw-councils-need-more-apprentices>.

This report identified the gaps in Apprenticeships and Traineeships as well as highlighting the benefits of such forms of employment for the community.

We strongly encourage that the attached motion is considered at your upcoming Council meeting.

The USU is seeking your support for this motion.

If you require any further information please contact Robert Potter on 0408620741 or 0249621444.

Yours faithfully



Graeme Kelly
General Secretary

per: RP

Support Team: 1300 136 604 • Email: united@usu.org.au • Website: www.usu.org.au
Registered Office: Level 7, 321 Pitt St Sydney 2000 • Phone: (02) 9265 8211 • Fax: (02) 9261 2265 • ABN: 95 571 805 442
Regional Offices: Newcastle, Wollongong. Satellite Offices: Armidale, Bathurst, Canberra, Dubbo, Grafton, Hay, Port Macquarie, Wagga Wagga

Precis of Correspondence 3 (continued)

ATTACHMENT 1

MINUTES OF THE ORDINARY MEETING OF THE CANTERBURY CITY COUNCIL, HELD IN THE COUNCIL CHAMBERS, 137 BEAMISH STREET, CAMPSIE ON THURSDAY, 13 DECEMBER 2012 AT 7.40 P.M.

PRESENT

The Mayor, Councillor B. Robson, in the Chair, the Deputy Mayor, Councillor K. Saleh and Councillors M. Adler, P. Azzi, L. Eisler, M. Hawatt, F. Kebbe, K. Nam, E. Paschalidis-Chilas and C. Vasiliades.

45/12

CAMPAIGN TO ADDRESS THE NATIONAL SKILLS SHORTAGE IN LOCAL GOVERNMENT

FILE NO: C-123-6 PT4, U-7-3 PT6

Min. No. 423 RESOLVED (Councillors Adler/Kebbe)

THAT

1. Canterbury City Council supports the campaign by the United Services Union (USU) to address the national skills shortage in local government and the ageing workforce in local councils.
2. Accordingly Council resolves:
 - a. To set a target of a minimum five percent engagement of youth employment in the categories of apprentices, trainees, scholarships, interns, work experience, school based traineeships or mature age study assistance;
 - b. To support the establishment of a retention/succession plan for youth employees in the abovementioned categories, including mandatory mentoring training for designated council staff supervising these young employees.
3. Council further resolves to seek federal government assistance for local councils to implement the above policies.
4. Council calls on all NSW councils to adopt this policy.
5. The content of this motion be conveyed in writing to the Local Government Association, the federal minister, the local state and federal MPs and the United Services Union.

NOTICES OF MOTION

1 LEASE OF SMALL ROAD PLAYING FIELDS - Councillor Roy Maggio

File Number: CLM/13/1/4/6 - BP13/571

MOTION:

That the Acting General Manager write to the Minister for Lands, the Hon. Gregory Pearce requesting to approve an amendment to Section 34 a Crown Lands Act 1989 to allow for approved relevant interest to lease the Small Road playing fields under the control of Council.

That a meeting be organised with the Minister Gregory Pearce, Member of Ryde Victor Dominello, Acting General Manager and relevant staff, interested Councillors and 2 members of the interested activist group to discuss a way forward for the utilisation of the existing sporting fields.

2 CODE OF MEETING PRACTICE - Councillor Roy Maggio

File Number: CLM/13/1/4/6 - BP13/572

MOTION:

That Council endorse the following amendments to Council's Code of Meeting Practice and request the Acting General Manager to provide a report back to Council on the proposed amendments:

- a provision that requires Council meetings to commence with the National Anthem.
- a provision that allows Councillors to recite the prayer as an option to the current provision of accessing local clergy.
- a provision in Council's standing orders that allows Council to adopt the Agenda, with the exception of those items that require to be debated.

CONFIDENTIAL ITEMS

16 ADVICE ON COURT ACTIONS

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

This matter is classified confidential because it contains advice concerning legal matters that are:-

- (a) substantial issues relating to a matter to which the Council is involved.
- (b) clearly identified in the advice, and
- (c) fully discussed in that advice.

It is not in the public interest to reveal all details of this matter as it would prejudice Council's position in any court proceedings.

Report prepared by: General Counsel, Public Officer

File No.: GRP/12/5/5/5 - BP13/525

Page: 320